the weekly Standard

JUNE 25, 2001

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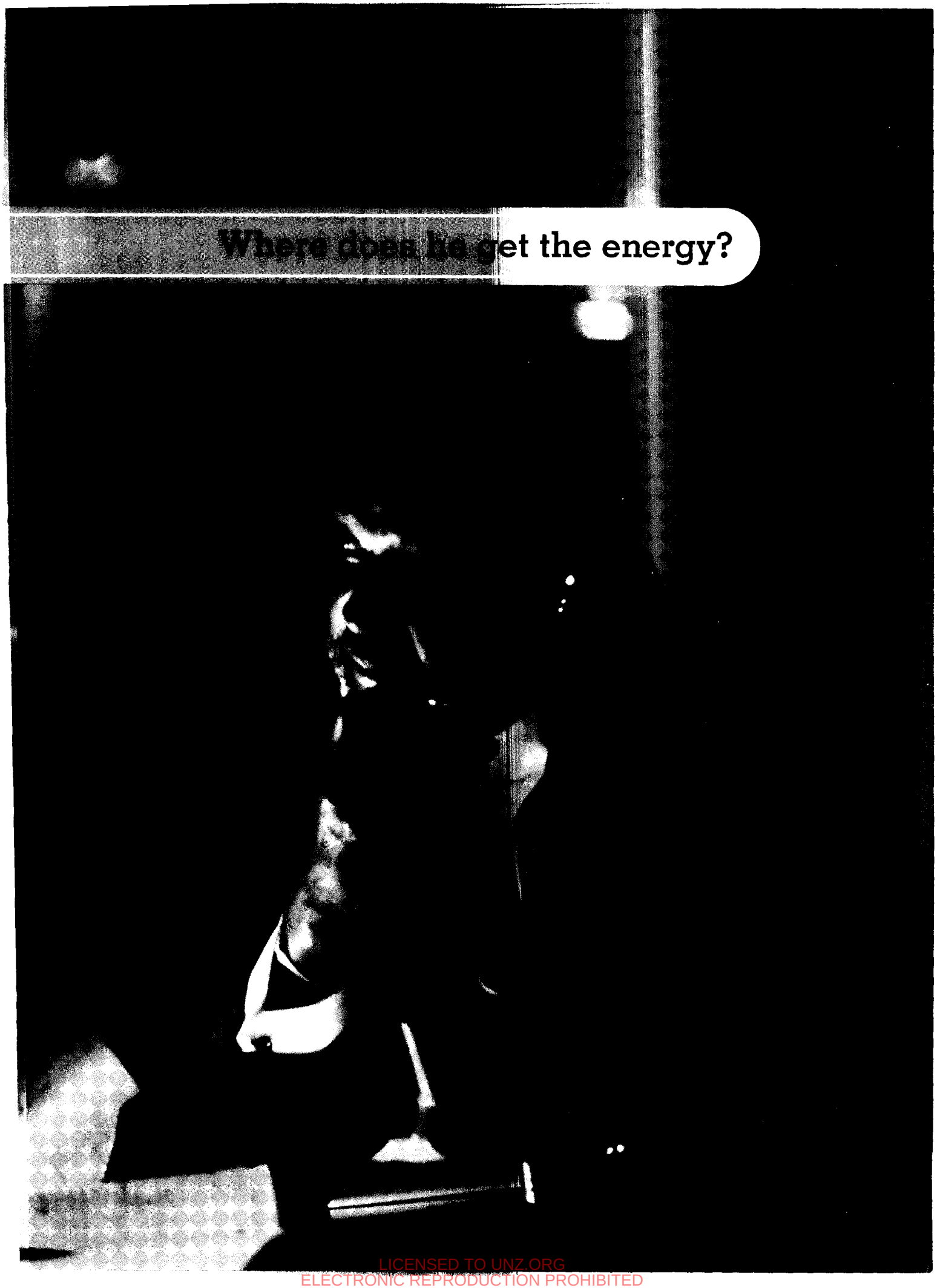

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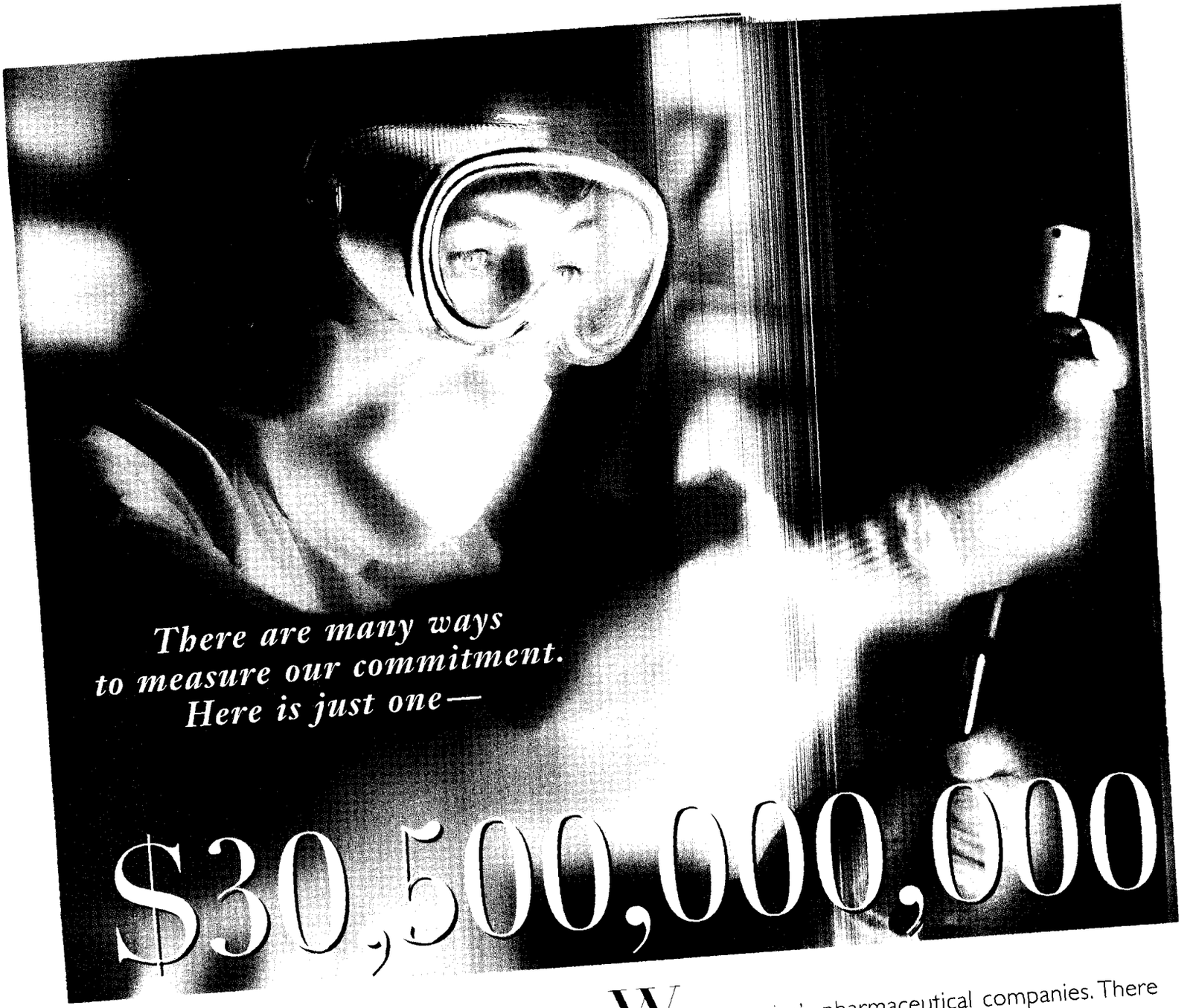

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Casual

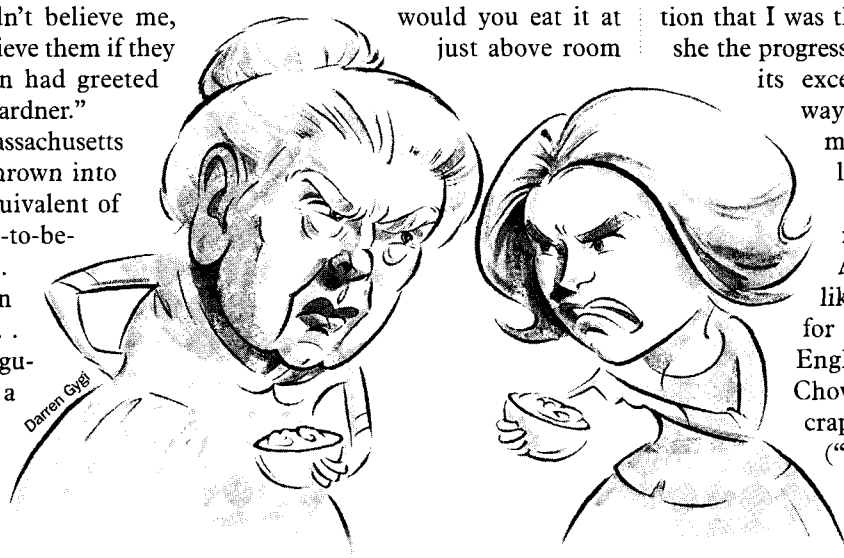
Clammed Up

The first word anyone ever spoke to me in London was *blimey*. Age 18, I came out of the Earl's Court tube station from Heathrow and asked a woman where the youth hostel was. "Blimey!" she replied, unironically. "Aw daon't knaow." I would later spend a couple of years living in London, but have never, ever (outside of *Masterpiece Theatre*) heard the word again. Of course not. It's been dead for decades. That's why I've never told this story to any of my English friends. They wouldn't believe me, any more than I'd believe them if they claimed an American had greeted them with "Howdy, pardner."

I went home to Massachusetts last week, and was thrown into the New England equivalent of this too-stereotypical-to-be-credible situation. Briefly, I wound up in an argument over . . . clam chowder. The argument occurred in a used-book store. The owner was discussing restaurants with one of her customers, and they got on to whether Maddie's or Staley's had the best chowder in town. A ridiculous question, along the lines of "Who has a better fastball—Pedro Martinez or Elton John?"

Maddie's makes a piping-hot, brothy concoction, salted by the sea, with a great pile of meaty clams and cubed potatoes rearing up over the buttery striations on the surface. Inebriating odors of brine billow nosewards. It's not just the best chowder in town, it's the best chowder in the world. Really, the proper comparison here is not to other chowders but to, say, the Matterhorn, Sophia Loren, and the *Divine Comedy*.

Staley's, by contrast . . . I should note here that Staley's, as some readers may have guessed, is a made-up name. I went to high school with the owner of the actual place and don't want to turn this into anything personal. So let's just say that anyone who remembers papier-mâché from junior high school will have an idea of Staley's chowder: pulpy, clamless, insipid. If there were a product called Clam Paste, which looked and tasted like Miracle Whip with a bit of belly-button lint stirred in, would you eat it at just above room temperature? No? Then you, like me, will be baffled by the continuing popularity of Staley's chowder in certain circles.



So when the nice old lady standing in front of the Barbara Pym novels said she thought Staley's was better because it was "unbelievably thick," I nearly wrestled her to the ground. To say chowder is good because it's thick is like saying a woman is beautiful because she wears baggy clothes. Thickness in chowder is obtained by adding flour, which obstructs the clam flavor. And that, I fear, is the whole point of it. Thick chowder follows the Iron Law of Restaurant Food, which states that, over time, every entrée converges with pure ketchup. Thick chowder is for people who don't like chowder but, for some reason, want to say they do. So I glared at Ms. Pym and told her as much. I told her Staley's serves the kind of chowder you get in small-town Midwestern airports when all the flights have left and the only place serving food is the bar. I believe I mentioned that chowder is a soup, not a condiment.

Anyone who overheard this exchange would have said, *How quaint. They sure take their chowder seriously around here!* But, of course, we don't, and there was nothing quaint about it. The argument I had with Ms. Pym would only be possible at a time when no one gives a fig what his chowder tastes like. There's no question that I was the traditionalist and she the progressive. Maddie's makes its excellent chowder the way it's always been made in New England. (I'm sure of that—it's a lot like my grandmother's.) And Staley's most likely copied its recipe for "Traditional New Englande Clamme Chowder" from some crappy national chain ("Obsessions: A Place For Seafood" or "Scandals: A Fish Joint"), whose recipe was in turn prompted by a focus group of tasters hired in Albuquerque.

In a word: Blimey. This is a battle that the Staleys of the world, by definition, always win. Maddie's chowder may be authentic, but Staley's, it pains me to say, is typical. My attachment to Maddie's is as strong as it is precisely because real chowder is now so hard to find. This is an example of why it's generally imbecilic to moan about someone or something's being "stifled by the forces of tradition." The forces of tradition can't stifle anything. They can't stifle a yawn.

Christopher Caldwell

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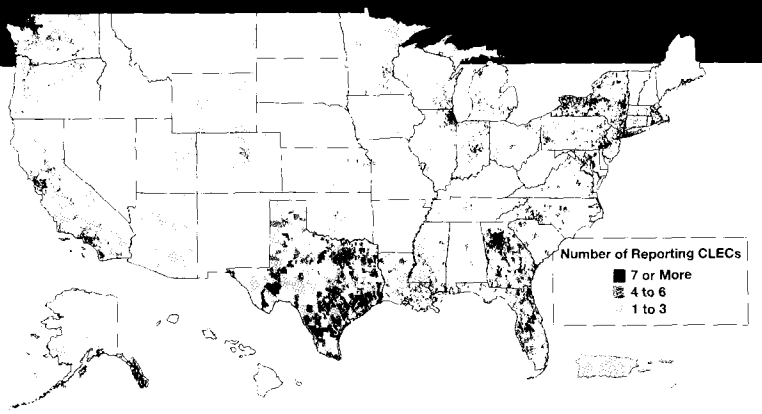
Recently, the FCC Said a Few Words about the State of Local Phone Competition... Words Like "Robust Increases".



Number of New Companies Competing for Local Phone Service
(Source: FCC — by Zip Code)

Some people claim there's no competition for local phone service. But on May 21, the Federal Communications Commission released the latest data on the status of local telephone competition. The data reflects filings as of December 31, 2000.

Each of the following is a *direct quotation* from the FCC report:

New Entrant Phone Lines Continue Robust Increases

CLEC [Competitive Local Exchange Carrier] market share grew 93% over the one-year period of January to December 2000.

States with Long Distance Approval Show Greatest Competitive Activity

CLECs captured 20% of the market in the State of New York — the most of any state.

CLECs reported 2.8 million lines in New York, compared to 1.2 million lines the prior year — an increase of over 130%, from the time the FCC granted Verizon's long distance application in New York in December 1999 to December 2000.

Residential vs. Business Competition

About 60% of CLEC local telephone lines served medium and large business, institutional, and government customers. By contrast, only 20% of incumbent local exchange carrier (ILEC) lines served medium and large business customers.

CLEC share of the *residential and small business customer market grew nearly 45% during the six-month period* of June 2000 to December 2000. (emphasis added)

In 56% of the nation's zip codes, customers were being served by at least one CLEC.

About 88% of United States households reside in these zip codes. [Two-thirds of these homes are in zip codes served by *at least four* competitors.]

By comparison to the roughly 194 million (wireline or fixed wireless) local telephone lines serving end-user customers, the 77 providers of mobile wireless telephone services served about 101 million subscribers at the end of 2000.

verizon

THE FACTS ON COMPETITION

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Europeans ♥ the Death Penalty

With George W. Bush visiting Europe last week as Timothy McVeigh was being put to death, it was perhaps only natural that newspaper readers would be treated to a sample of European opinion on capital punishment.

"Almost as One, Europe Condemns Execution," clucked a typical headline in the June 12 *New York Times*. Well, at least they said "almost."

In the body of the article, we discover that the headline refers, first off, to other headlines. "Assassination of an Assassin," from the lefty French tabloid *Libération*, is one piece of evidence adduced for European condemnation. And joining Europe's journalists are, of course, Europe's bureaucrats. The *Times* helpfully reminds us that the anti-death penalty consensus is so firm that a nation must ban capital punishment before it can join the European Union.

But then the article's thesis suffers a collision with its reporting. It turns out that European public opinion—the non-elite jumble of incorrect feeling and thought that right-thinking Eurocrats in Brussels spend their careers trying to suppress—is far from unanimous. Take the French, described in the article as "not even Europe's staunchest abolitionists; they split about 50-50 on the death penalty." Of course a 50-50 split means the country comes nowhere near to being staunchly abolitionist.

The Spanish, for their part, are staunchly opposed to capital punishment. Elsewhere in Europe, however, public opinion closely resembles the same split in favor of executions that one finds in the United States. The British are about 60 percent in favor of capital punishment (about where American opinion stands). A Dutch poll recently found 52 percent of respondents to be in favor. And though the Council of Europe may in one voice call the execution of Timothy McVeigh "sad, pathetic and wrong," Swedes and Italians are also close to being evenly divided on the death penalty.

Furthermore, it was only in the 1990s that the death penalty was outlawed in Ireland, Spain, the United Kingdom, Belgium, and Greece. It would have been more accurate for the *Times* to have said, "Almost as Half, Europe Condemns Execution," but that has no ring to it.

The following day, the same paper's editorial page intoned, "For many Europeans, talk of shared trans-Atlantic values rings hollow so long as America carries out executions." For many Americans, talk of shared trans-Atlantic values will ring just as hollow so long as the anti-democratic ethos of Europe's institutions is as entrenched as it is on capital punishment. ♦

Another Reason to Avoid the Metro

Possibly because of its heavy concentration of transportation experts, the Washington, D.C., area is famed for its traffic jams and nightmare commutes. Hence, one of the most popular features of the *Washington Post* is the "Dr. Gridlock" column, which specializes in letters from a seemingly inexhaustible supply of angry and often deeply unattractive D.C. commuters. This reader's June 11 letter, though, may never be surpassed for cold-heartedness.

Dear Dr. Gridlock:

Regarding the pregnant woman who asked for others to accommodate her on Metrorail, let me first say that pregnancy is a choice. It is not a handicap, nor is it related to aging, neither of which is a choice; these people—not the pregnant ones—should be offered the seats closest to the doors.

If a person's balance and circulation are adversely affected by a chosen state (pregnancy), perhaps public transportation is not the best choice for that person.

Asking people to change their behavior out of common courtesy for all riders is perfectly valid. I would not offer my seat to a pregnant woman any more than I would offer my seat to a woman wearing high heels.

Choices have consequences, and one of the consequences of being pregnant or wearing high heels is that you may be uncomfortable sometimes.

If you don't want to deal with these consequences, don't get pregnant or wear high heels. If you need to sit, ride the train during a non-rush hour or choose another means of transportation.

In other words, instead of expecting others to change their behavior to make you comfortable, change your own behavior to make yourself comfortable.

Amy Michaud
Arlington

And still transportation experts wonder why Americans resist mass transit. ♦

Vindication

Do we need to repeat the case against campaign finance reform? As THE SCRAPBOOK has explained many times in the past—oh wait; let's turn instead to Ron Brownstein's excellent June 11 column in the *Los Angeles Times*, on the recent British elections:

In America, conservative critics of campaign finance reform argue that limiting the amount that candidates can spend will

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shift power to the media to set the campaign agenda. The experience here suggests they are right. Since the British parties have such limited capacity to reach voters themselves—and so little campaign time to do it—the media have much more power to set the terms of debate than in America. That means issues rise and fall largely at the whim of the press, whose attention span is as fleeting here as in the U.S.

Case in point: Just a week before election day, associations representing British school principals and surgeons released dire warnings about the state of the schools and hospitals. Blair was duly questioned about it the next morning, but the reports effectively vanished by the next day's news cycle, before most voters probably ever heard of them. In America, it's easy to imagine the opposition party pounding home those grim reports through weeks of television ads. Here, to a large extent, the parties can keep campaign arguments before the voters only as long as the press lets them.

We couldn't have put it better. ♦

Crime and Abortion

Two academics caused a big stir a couple of years ago with a study claiming to show that roughly half the large drop in crime during the 1990s was due to legalized abortion. By lowering the number of unwanted children, argued Stanford's John Donohue and the University of Chicago's Steven Levitt, *Roe* v. *Wade* brought a wave of peace to America's streets.

Few were happy with the study. Liberals didn't like it because it suggested a hidden eugenic agenda for supporting abortion. Conservatives didn't like it because it implied that mass abortion had an upside. But the argument received more headlines than rebuttals.

No longer. A new study by economist Ted Joyce of Baruch College and the National Bureau of Economic Research calls the abortion/crime link into serious doubt. The link is also questioned in a second new study by John Lott of Yale Law School and John Whitley of Australia's University of Adelaide.

The crucial flaw of Donohue and Levitt's analysis, says Joyce, is that it doesn't account for crack cocaine, which seems to explain the big rise in crime starting in the mid '80s. The drop in crime they credit to abortion probably came from a decline in crack and the violence that went with it.

Donohue and Levitt's analysis also suffers a more subtle flaw, Joyce says. It assumes that states with high rates of abortion have far fewer unwanted children than states with low abortion rates. But easy access to abortion probably causes people to be less careful with contraceptives and more sexually active. "Take New York," Joyce says. "New York is a very liberal state. We finance abortions for Medicaid-eligible women. We have no parental-consent laws. We have abortion providers all over the place. So abortion may be a more readily available substitute for contraception in a place like New York than it would be in Mississippi."

Donohue and Levitt don't account for this. When Joyce does—and when he parses the crime statistics to account for crack—what does he find? No link between abortion and crime. ♦

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Benjamin Laid to Rest?

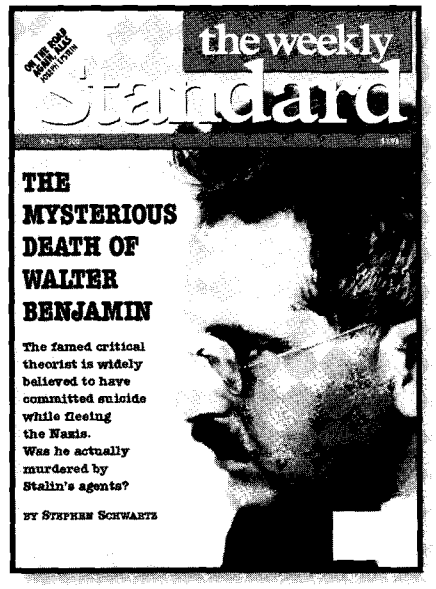
Stephen Schwartz's article "The Mysterious Death of Walter Benjamin" (June 11) offers a distinct glimpse into the mindset of Stalinism. The article brings to the forefront the enormous risks created by the tacit alliance of the Soviet KGB and the Nazi Gestapo during the period of the Nazi-Soviet Pact of 1939–1941. It is entirely possible that Walter Benjamin met his end not in the whimper of suicide as is claimed, but with the bang of an assassination as Stephen Schwartz asserts. Clearly, until all archives of this astonishing interregnum are opened to public scrutiny, Schwartz's piece remains subject to the usual (and rightful) demands for smoking guns and hard facts.

What is less subject to doubt is the migratory behavior of the socialists and Communists of the Frankfurt School. The list includes Theodor Adorno, Max Horkheimer, Herbert Marcuse, Franz Neumann, Leo Lowenthal, Erich Fromm, and many notables who fled Nazi Germany from 1933–1941, a group that with extraordinary uniformity went west—to France, England, and then the United States. Individuals like Walter Benjamin, who knew of Stalinist tyranny firsthand, joined the remaining party Marxists in the long trek to democratic capitalist societies in various stages of assault. Thus in the United States we had the anomaly of strong Communist penetration of universities like Columbia and agencies like the Office of Strategic Services. The émigrés were welcomed for their intellectual merit, ideological fervor, and linguistic skills during World War II.

Given Stalin's xenophobic mentality, just about anyone who went west—much less a blue ribbon parade of German-Jewish Marxist intellectuals—was in great danger (especially during the Nazi-Soviet Pact era) of being liquidated. After all, Leon Trotsky did not die in Mexico of old age. Schwartz's piece therefore raises larger issues: To what degree was this special category of intellectual refugees genuinely in search of freedom, and to what extent were some of the figures sent as advance agents of Soviet espionage? One would hope that Schwartz's further work will make possible the unraveling of this larger mystery and put in realistic context the shadowy death of Walter Benjamin.

Irving Louis Horowitz
Hannah Arendt Distinguished Professor of Sociology & Political Science
Rutgers University
New Brunswick, NJ

How interesting and unexpected—Walter Benjamin gracing your cover! The research of Stephen Schwartz raises many provocative questions and, just as important, sheds light on this era and our political naiveté regarding it. As someone who has given several graduate seminars on postmodern theory in the



arts, I have always made the issue of Benjamin's death a topic of discussion. I do so not to dwell on his personal misfortunes but rather to help explain the cultic proportions his "aura" has assumed within every diocese of the liberal academic community. Bravo to iconoclasm, and I look forward to seeing more of this kind of research.

Harry Francis Mallgrave
Vero Beach, FL

A Higher Motive

In Peter Ferrara's article "The Battle over the Boy Scouts" (June 11), the author recounts various skirmishes in this new culture war, after the Supreme Court held that the Scouts were free to choose their own leaders, and the messages these leaders would send by their own personal example.

This leads me to wonder why no one has mentioned the alleged homosexual orientation of Sir Robert Baden-Powell (later Lord Baden-Powell), who founded the Boy Scout movement in 1908. Then again, I suppose it really doesn't matter.

James G. Baird
Woodstock, GA

Tripped Out

Joseph Epstein's reflections on the travails of travel ("On the Road Again, Alas," June 11) are as refreshing as those of Mark Twain when he exhorts us to "never let the classroom interfere with our education."

Like Twain's flip side, he has pinned down that peculiar and tight-lipped sense of mordant obligation and responsibility to follow the rules, and to do everything to fill that vessel called the mind with all the Great Good Things in that Great Good Place.

What a great pleasure to read that ribbon of rebellion in a time when test scores, joylessness, and a McDonald's on every corner are the norm.

I've traveled all my life. But I'd rather stay in place with Epstein and duke it out any old day, letting the world come to me.

What a wonderful, lucid essay on this life.

Alison Hambly
Las Vegas, NV

• • •

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The Right Medicine

Last February Democratic senator Edward Kennedy introduced a "patients' bill of rights." His proposal instantly became his party's top priority on health care, attracted the endorsement of Republican senator John McCain, and won the support of a majority of senators. Kennedy introduced the legislation with a flurry of demagoguery that rivaled his accusation in 1987 that Supreme Court nominee Robert Bork favored back-alley abortions and racially segregated lunch counters. In a single sentence, Kennedy summed up the "abuses" health maintenance organizations and other managed care plans have inflicted on patients, creating the need for his Bipartisan Patient Protection Act. Here's what he said:

"Whether the issue is diagnostic tests, specialty care, emergency care, access to clinical trials, availability of needed drugs, protection of doctors who give patients their best possible advice, or women's ability to obtain gynecological services—too often, in all these cases, HMOs and managed care plans treat the company's bottom line as more important than the patient's vital signs."

If Kennedy were correct, the public would have demanded a sweeping patients' bill of rights years ago and Congress would have swiftly approved one. But of course he's not correct. The truth is quite different. There's simply not much empirical evidence, on any of these issues, to justify a patients' bill of rights. Sure, a decade or so ago there were plenty of examples of care denied as HMOs struggled to accommodate a tidal wave of new patients. But the health care marketplace, public opinion, and state regulation have forced drastic improvements. The result: Today, most patients get more and better medical care in HMOs than they've ever had before.

Let's examine Kennedy's list. Diagnostic tests? Take mammograms. Women are more likely to get them if they're in HMOs than in fee-for-service health plans. In 1996, 70 percent of women in the vulnerable 52 to 69 age bracket received mammograms as HMO patients. In 1999, 73 percent. Meanwhile, the use of CT scans jumped 15 percent from 1998 to 2000 and MRIs rose 20 percent. There are no contrasting figures on these tests for HMOs and other health plans. But since roughly half the 161 million Americans with private health insurance are in HMOs, the use of these diagnostic tests obviously wouldn't have soared if HMO patients were being denied them.

Specialty care? One of the largest HMOs, UnitedHealthcare, which covers about 8.6 million people, announced recently that patients could go directly to specialists without a referral from a primary care physician. Other HMOs have what are known as "open access products," which offer quick access to specialists for a slightly higher co-payment. And a Johns Hopkins study found that patients who see a primary care physician at an HMO are 66 percent more likely to be sent to a specialist than are fee-for-service patients. True, the Hopkins survey was based on slightly dated information from 1989 to 1994. But there's no reason to believe HMO referrals to specialists have declined since then.

What about emergency care? The crisis in emergency rooms is not that HMOs are refusing to pay for treatment. The crisis is a lack of capacity. There are too many patients, too little space, and not enough doctors. Federal law already requires emergency rooms to treat all patients who show up. And at least one study found no evidence that HMOs are denying payments for emergency room visits. In fact, most states require HMOs to pay. Emergency doctors in Maryland recently complained that claims were being denied. But a state auditor studied the matter and found no violations.

Clinical trials of experimental medicines and treatments? Most insurers handle these on a case-by-case basis, and routine costs are generally covered. Indeed, the Congressional Budget Office found in a 1998 study that health care plans, including HMOs, paid 90 percent of the patients' costs in clinical trials.

Availability of needed drugs? You're better off in an HMO if paying for prescription drugs is a problem. Heart attack survivors are far more likely to get beta blockers if they're in HMOs. In the past, HMOs would only pay for drugs, mostly generics, on their preferred list. Now, patients in many HMOs have access to generics as well as branded drugs, even ones that aren't on a preferred list. The only difference is a higher co-payment for branded drugs.

By "protection of doctors" who deliver their best advice, Sen. Kennedy was presumably referring to alleged gag rules that bar doctors from recommending certain costly treatments. The General Accounting Office looked into this in 1997 and found no "explicit gag clauses" in HMO contracts. As for "women's ability to obtain gynecological services," it's greater in HMOs. For starters, women are more likely to have OB/GYN physicians as their primary doctors in HMOs. And women in Medicare HMOs have a better chance of having breast cancer detected at an earlier date, an American Medical Association study concluded in 1999.

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All this doesn't mean HMOs have been transformed into lovable organizations whose sole concern is their patients. As often as not, HMOs have expanded coverage and instituted safeguards only under pressure, including pressure generated by the drive for a national patients' bill of rights. Forty states now require HMOs to allow disgruntled patients to appeal treatment decisions to outside physicians. Would HMOs have done this on their own? Probably not. But the point is that, for whatever reason, HMOs have corrected glitches, abandoned dubious practices, and upgraded their level of medical care.

Advocates of a patients' bill of rights insist these reforms aren't sufficient. What's needed are *federal* mandates to insure the needs of patients trump the quest for profits—mandates backed up by the threat of lawsuits against HMOs and employers. The trouble here is the unintended consequence: higher costs and fewer patients covered as strapped employers drop health coverage. Which is exactly why HMOs were given immunity from most lawsuits in the first place. The idea was to keep costs down and encourage the growth of HMOs, and it worked. More mandates would inject rigidities—and more paperwork—into an HMO system that is working. And lawsuits are bound to cause doctors to treat patients defensively by ordering unneeded treatments and tests just to ward off litigation.

The Kennedy-McCain bill is especially egregious in promoting lawsuits. Under current law, doctors in HMOs can be sued in state court, though suits against HMOs themselves usually go to federal court. There, judges can order benefits be paid, but they cannot award punitive damages. Kennedy-McCain would allow federal courts to award punitive damages up to $5 million. But the jackpot for trial lawyers is a provision permitting suits against both HMOs and employers in state courts—with no specific cap on damages against HMOs. Then trial lawyers could sue these deep-pocket defendants in the very courts where, currently, they often win outlandish damages. The White House favors the alternative measure sponsored by GOP senator Bill Frist and Democratic senator John Breaux. It would permit lawsuits against HMOs only in federal court and cap pain-and-suffering damages at $500,000, but allow no punitive damages. But Frist-Breaux looks good only in comparison with Kennedy-McCain.

Most Republicans, President Bush included, are running scared on a patients' bill of rights. They needn't be. For three election cycles, the issue was supposed to hurt Republican candidates. It didn't. Now, the good news is that while Senate majority leader Tom Daschle has refused to bargain away any of Kennedy-McCain, the president has promised a veto if it passes. For America's health care system, stalemate on a patients' bill of rights is just the right medicine.

—Fred Barnes, for the Editors

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Democracy in China

How about promoting democracy instead of engaging with dictators? BY WILLIAM KRISTOL

Taipei, Taiwan

ALL *New York Times* editorials are annoying, but a few manage to annoy in a distinctive way. If I hadn't just come from Beijing, and weren't now in Taipei, I probably wouldn't have given a second thought to last Sunday's 778 words on "China Viewed Narrowly" (reprinted in Thursday's *Taiwan News*, where I read it).

Most of the editorial is the usual pabulum. The *Times*, you may be surprised to hear, believes the United States needs "a realistic China policy," and "a balanced approach to trade, diplomacy and geopolitics." The *Times* is worried that the Bush administration has been focusing too much on military issues rather than keeping them "in perspective." The editors do generously allow that "it was not Mr. Bush's fault" that the spy plane collision highlighted "military aspects of the relationship." But they worry that "the administration has done little to get the relationship back on course."

Rather, the Rumsfeld defense review, with its reorientation towards Asia, is causing "friction" with Beijing. And the administration's pursuit of missile defense has been heedless of China's "legitimate concerns that its relatively small nuclear missile force could be blunted by an American shield." (The *Times* doesn't pause to explain why it would be illegitimate to deny China the ability to blow us up.)

What would the *Times* prefer? That "military issues" not impede "active engagement with China on economic and arms control issues." The latter presumably refers to the various nonproliferation agreements Beijing routinely agrees to and then routinely breaks. The former is something the Bush administration is already pursuing vigorously, and apparently successfully, with the completion of negotiations for China's accession to the World Trade Organization. It's hard to see what the *Times* is fretting about—except that we have not yet subordinated U.S. foreign policy in its entirety to the goal of making the Chinese dictators blissfully happy.

And that's the point. The *Times*, to be fair, is faithfully echoing the American business and foreign policy establishments. They don't simply want a policy of economic engagement. They want us to avoid any activities in the strategic, political, or diplomatic spheres that might offend Beijing. So economic engagement becomes an excuse for appeasement. We accede to Beijing's wishes and limit our contacts with democratic Taiwan. We don't make a fuss about the detention of American citizens. We turn a blind eye to Beijing's weapons proliferation abroad and human rights abuses at home.

There are a few words that you won't find in the *Times* editorial: freedom, democracy, self-determination, self-government, dictatorship. There's another phrase that doesn't appear. It's one you almost never hear anymore: one-child policy. I'm grateful to Zhang Qiyue, deputy director general of the Information Department of the Ministry of Foreign Affairs in Beijing, for reminding me of it last week.

I had asked why China had jailed professor Li Shaomin and other Americans. Ms. Zhang had launched into a defense of China's legal system, refusing to concede the legitimacy of my concern. It was a contentious discussion. So in an attempt to move the conversation onto a more positive plane, she asked about my family. We discovered we each had 13-year-old sons who were basketball fans.

This led to some talk of Wang Zhizhi, the 7-foot-tall basketball player from China now playing for the Dallas Mavericks. Ms. Zhang's son is a huge fan of Wang, as apparently are millions of Chinese. Indeed, Wang is so popular, Ms. Zhang told me laughing, that the government offered his parents an exemption to the one-child policy so they could produce another basketball star. She seemed puzzled by my failure to chuckle at this anecdote. Apparently, well-educated and sophisticated Chinese government officials nowadays so take for granted Beijing's tyrannical and inhumane one-child policy that they joke about it.

Certain forms of American engagement with Beijing may well be justified. But surely the goal of American foreign policy should be to help bring about the peaceful transformation of Beijing's dictatorship into a democracy like Taipei's. This is a project worthy of a great power. It would require a foreign policy of military strength, political boldness, and moral clarity. One thing's for sure: The *Times* won't approve. ♦

William Kristol is editor of THE WEEKLY STANDARD.

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John Ashcroft's Constitution

The attorney general offers an interpretation of the Second Amendment. BY TERRY EASTLAND

THE ELECTION OF George W. Bush has brought forth a change in the government's view of the Second Amendment. More than a few Americans know the amendment by heart: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." Under Bill Clinton, the Justice Department maintained that the amendment protects the right of the states to maintain a militia, but doesn't encompass the right of an individual to keep and bear arms. But now, under Bush, the department holds—as it has in many previous administrations—that the amendment protects a personal right to own firearms.

Attorney general John Ashcroft stated the new understanding in a May 17 letter that received scant attention. You can see why: As a senator, Ashcroft always held the pro-individual-rights position on the Second Amendment, and there was no reason to think he would reverse this position as attorney general, especially since he had reiterated it during his confirmation hearing. Also, Ashcroft's letter didn't say whether any particular federal firearms statute might now be unconstitutional. Second Amendment authorities tend to agree that most such laws would survive an individual-rights review, so the letter didn't seem to have any major implications for federal law enforcement.

Even so, the Ashcroft letter deserves more than a casual glance. It has notable political origins, and it will have consequences at least in terms of how Justice defends gun laws. Most important, it reveals Ashcroft's approach to constitutional interpretation.

The letter was a response to James Jay Baker, the chief lobbyist of the National Rifle Association, who on April 10 had written Ashcroft asking "your view and that of the current Department of Justice" on whether the Second Amendment "guarantees an individual right to keep and bear arms." There was a history behind Baker's letter, and it involves a current case, *United States* v. *Emerson*. Emerson is Timothy Joe Emerson, a Texas physician whose wife had filed for divorce and who was under a court order not to injure her. When his wife arrived at his office one day, Emerson pulled a Beretta pistol from a desk drawer and placed it on the tabletop. A federal grand jury indicted him for violating a 1994 law barring persons subject to restraining orders from possessing guns. Emerson argued that the indictment violated his Second Amendment right to keep and bear arms, and judge Sam R. Cummings agreed. Nelson Lund discussed the case at length in this magazine ("Taking the Second Amendment Seriously," July 24, 2000).

The Justice Department appealed, and on June 13, 2000, the U.S. Court of Appeals for the 5th Circuit, whose decision is still pending, heard oral arguments in the case. Assistant U.S. attorney William Mateja maintained that the Second Amendment doesn't protect an individual right to keep and bear arms. That position caught the eye of NRA member Robert D. Grace of Amarillo, Texas. Grace wrote attorney general Janet Reno asking whether Mateja's view of the Second Amendment was the department's position. On August 22, solicitor general Seth Waxman wrote Grace back confirming that it was.

In his letter to Ashcroft, Baker noted the Clinton Justice Department's position on the Second Amendment, citing Waxman's letter. It's a letter Baker knows well. "We proceeded to use that letter," says Baker, "and to hang it politically around the Gore-Lieberman campaign's neck." The NRA distributed the letter through direct mail in certain states, used portions of it in ads, and even excerpted it on one of their magazine covers, reproducing the entire letter on inside pages.

The use of the Waxman letter clearly strengthened the NRA's overall anti-Gore effort, which by early fall had weakened the Gore-Lieberman ticket in states with large populations of what an NRA spokesman calls the organization's "constituents." Gore and Lieberman responded by downplaying gun control. "They finally figured out that this wasn't playing in places they needed to win," says Baker. "The election wasn't going to be decided in Los Angeles and New York, but in all of those other places that the election maps later showed in red." Neutral observers credit the NRA with helping Bush win states where Gore was once favored—West Virginia, Tennessee, and Arkansas. Had even one of those states gone to Gore, he would be president today.

In his letter to Baker, Ashcroft, who is a member of the NRA, wrote: "Let me state unequivocally my view that . . . the Second Amendment [protects] the right of individuals to keep and bear firearms." Baker wasn't surprised by this, noting that Ashcroft has "always been a supporter of what we consider to be the original intent of the Second Amendment." Though Ashcroft didn't comment on pending cases, the letter, as one senior Justice official told me,

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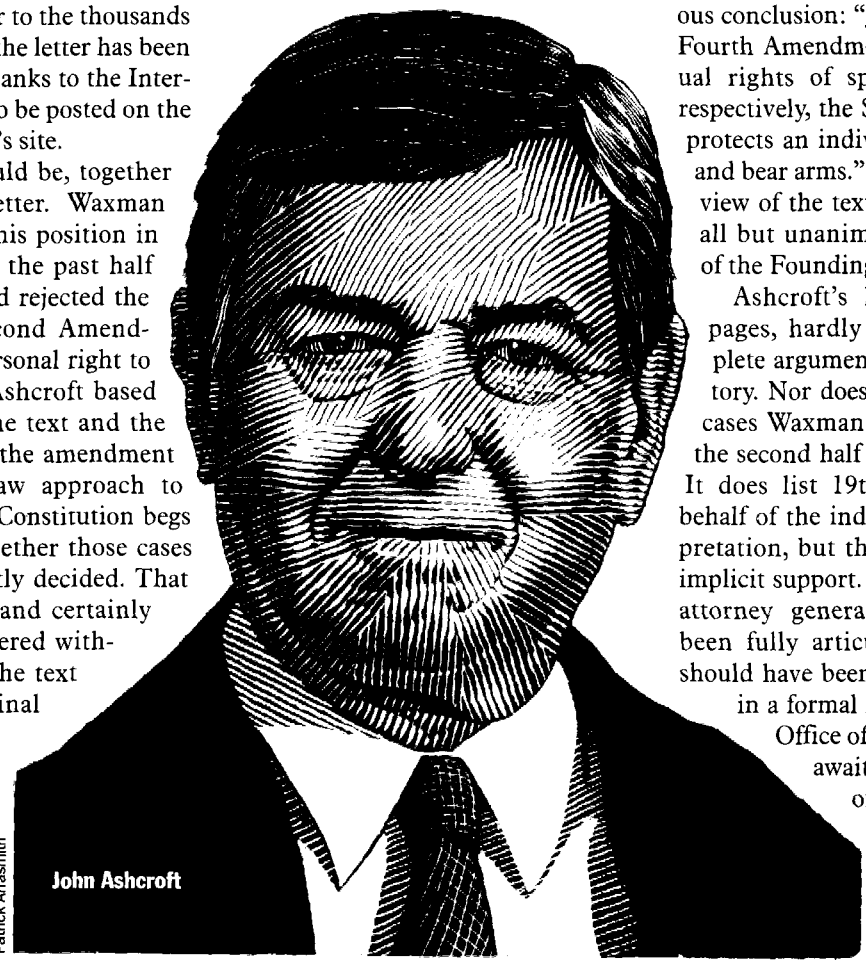
signaled that department attorneys would no longer in the course of law enforcement take the position that the Second Amendment doesn't protect individual rights. "We won't defend firearms statutes and regulation on that basis."

Ashcroft's letter was sent the day before the NRA's annual convention. A Justice Department spokesman declined to say whether the timing was simply coincidental. Baker read portions of the letter to the thousands attending. News of the letter has been widely circulated thanks to the Internet. Oddly, it's yet to be posted on the Justice Department's site.

Certainly it should be, together with Waxman's letter. Waxman found support for his position in federal case law of the past half century that he said rejected the claim that the Second Amendment includes a personal right to bear arms, while Ashcroft based his position on "the text and the original intent" of the amendment itself. The case law approach to understanding the Constitution begs the question of whether those cases were in fact correctly decided. That question can't be, and certainly shouldn't be, answered without repairing to "the text and the original intent."

Waxman's letter did repair, after a fashion, to text and intent by quoting a 1973 letter by a Justice Department lawyer (in the Office of Legal Counsel) to George Bush, then chairman of the Republican National Committee. But this lawyer simply asserted, without evidence, that the language and history of the amendment foreclose the individual-rights understanding. While it is understandable that a solicitor general, the government's chief appellate lawyer, should cite federal case law in behalf of a legal position (including in this case the only Supreme Court decision close to being relevant), it is embarrassing that a solicitor general could accept departmental assertions about constitutional text and history that scholars from across the political spectrum have contradicted.

One of the better recent analyses of the text and history of the Second Amendment was offered by constitutional historian Leonard Levy in his 1999 book *Origins of the Bill of Rights*. He points out that "the very language of the amendment is evidence that the right is a personal one, for it is not subordinated to the militia clause." He traces the history of this personal right from the English Bill of Rights in 1689 through Blackstone's *Commentaries* to the colonial experience, concluding with an examination of the Framers, including James Madison, who crafted the amendments, including the Second (originally the Fourth), that we know simply as the Bill of Rights. "Madison did not make the right to bear arms dependent on serving in the militia," reports Levy, observing that in personal correspondence Madison referred to his amendments as "guards for private rights."



John Ashcroft

Patrick Arrasmith

In his letter, Ashcroft began with text, observing that the Second Amendment is like the First and Fourth Amendments: By their very terms all three protect the rights of "the people." Ashcroft drew the obvious conclusion: "Just as the First and Fourth Amendments secure individual rights of speech and security respectively, the Second Amendment protects an individual right to keep and bear arms." He added that "this view of the text comports with the all but unanimous understanding of the Founding Fathers."

Ashcroft's letter, a mere two pages, hardly provides the complete argument from text and history. Nor does it grapple with the cases Waxman cited, mostly from the second half of the 20th century. It does list 19th-century cases in behalf of the individual-rights interpretation, but these cases only lend implicit support. Suffice it to say, the attorney general's position hasn't been fully articulated. Not that it should have been: That can be done in a formal legal opinion by the Office of Legal Counsel (still awaiting the nomination of an assistant attorney general to run it), or by solicitor general Theodore Olson in an actual Supreme Court case. It isn't hard to imagine such a case, and *Emerson* could be it.

For now, what stands out is the attorney general's willingness to look first to text and history in interpreting the Constitution. This, too, is a change from the previous administration, and it reveals a Justice Department that's not overly impressed with what judges say about the Constitution but is instead willing to assert its own interpretation. ♦

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Politics vs. Medical Progress

The Bush administration flirts with price controls.

BY ROBERT M. GOLDBERG

NOW THAT the Democrats control the Senate, price controls are back on the legislative agenda. Western electricity producers are first in line, and pharmaceutical firms are sure to be next. Democrats will likely use the issue of adding a drug benefit to Medicare (the federal health insurance program for all seniors) to beat the drum once again for federal regulation of drug prices. But it's the Bush administration's Department of Health and Human Services that is floating the two most potent price-control proposals.

The first of these is a time bomb that was set ticking late in the Clinton administration. Two states, Vermont and Maine, were granted waivers to allow people ineligible for Medicaid (federal health insurance for the poor, which covers prescription drugs) to purchase drugs at a price set by the federal government (effectively 15 percent below the price paid by wholesalers). Biotech and pharmaceutical companies must sell at this discount or see their products banned from all federally funded health programs, nearly 20 percent of the market. Vermont was given its waiver in November 2000 to help Al Gore make a campaign statement. Maine got the go-ahead hours before Clinton left office.

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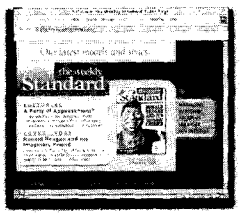

State legislators regard such mandated rebates as a cost-free way of offering constituents a drug benefit—cost-free, that is, to the public treasury. As the drug companies see it, the subsidy comes out of their pocket. Over 30 state legislatures, including those of Florida, Wisconsin, and California, are planning to follow Vermont and Maine in establishing similar discount drug programs.

But such rebate programs do little to help those in greatest need. For instance, the Vermont program covers individuals with incomes at or below 300 percent of the federal poverty level; individuals, that is, with incomes up to $26,800. As a group, seniors at that income level without drug coverage spend 3 percent or less of their income on prescription drugs, and non-seniors spend only half as much. But those among them for whom prescription drugs are the heaviest burden would get little relief: A senior at the federal poverty level ($7,800), for example, who spends 30 percent of his or her income on drugs ($2,340) would receive discounts amounting to only about $351.

In addition, Medicaid waivers would undermine the administration's effort to reform Medicare by having private insurance plans provide prescription drug coverage as part of an integrated package of health benefits. Since new drugs can often obviate the need for other medical care, there is an advantage to having these benefits delivered by a single health plan. But if Health and Human Services secretary Tommy Thompson grants state waivers, private plans will be less likely to offer drug coverage. Indeed, they will have an incentive to drop any coverage of prescription drugs they currently offer. Why should insurers pay for something the taxpayers and the biotech and drug firms are already providing?

Meanwhile, there's a second price-control time bomb that's about to explode. Last year, the inspector general of HHS recommended that Medicare and Medicaid pay no more than the Federal Supply Schedule price for all medications. That is the price currently paid only by the Department of Veterans Affairs and some public health hospitals, which together account for less than 1 percent of the total prescription drug market. If the inspector general's proposal became policy, nearly 70 percent of all the drugs prescribed in America would be under price controls. In some cases, breakthrough drugs would be reimbursed or priced at less than 10 percent of their current market price. Drug companies argue that this would discourage use of the best new drugs and undermine development in the future.

Decisions about such price controls on drugs ultimately rest with Secretary Thompson and the newly appointed head of the Health Care Financing Administration (HCFA), Tom Scully. Thompson has stated his opposition to outright price controls, such as those of the Federal Supply Schedule, and has quietly put a proposal to import lower priced drugs from overseas (a backdoor form of price controls) into cold storage.

But Thompson has publicly endorsed other measures similar to price controls. Last week he told the *Washington Post* that the National Institutes of Health should recoup a portion of the proceeds from pharmaceuticals it helps develop, and the

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money could be used for a prescription drug purchasing program.

Past efforts to "recoup" NIH research dollars other than through royalties inspired price caps imposed on companies partnering with government scientists. Such limits on future return on investment drove biotech capital and researchers away from NIH projects. As a result, potentially useful science was left without support, and the public's investment in biomedical research was wasted when NIH failed to find partners to produce new drugs. When the recoupment requirement, imposed in 1989, was eliminated in 1994, cooperative research flourished again.

Further, Thompson expressed support for senator Bob Graham's Medicare drug benefit as part of an overall Medicare reform. The problem is, Graham's plan, like one proposed in 1999 by President Clinton, relies on government price controls and drug lists. To get a taste of what medicine would be like under the Clinton drug benefit, take a look at the Veterans' Affairs drug lists. Under the VA regime, if you have pancreatic cancer or schizophrenia or depression, you have to fail on several cheaper drugs before you get access to the more expensive, more effective medications.

Such price-control measures not only would derail Medicare reform but also would threaten medical progress. The administration needs to take the long view of health care reform. Price controls will stop the transformation of medical care. They will promote the expensive and medically futile, labor-intensive delivery of services at the end stage of disease and at the end of life, rather than encouraging the innovative, capital-intensive use of breakthrough medical technologies to detect the first signs of disease and intervene early, which is always more cost-effective and boosts independence and human productivity. Price controls, whatever the mechanism by which they are imposed, militate *against* medical progress. What is the administration thinking? ♦

Will Bush Win Florida Again?

Jeb Bush's 2002 reelection bid is complicated by the legacy of 2000. BY STEPHEN F. HAYES

SINCE THE MOMENT George W. Bush was declared winner of Florida's 25 electoral votes, both state and national black leaders have vowed to exact revenge on brother Jeb. With Jeb Bush's announcement that he will run for reelection as governor of Florida in 2002, they think they have their chance.

"Welcome to Florida, the state that doesn't count every vote," said Adora Obi Nweze, president of the state's NAACP chapter, at an Inauguration Day rally. "We're here to say, 'George W. Bush, have fun. You've got one term. And Jeb Bush . . . you have two more years.'"

Florida Democrats have begun a high-dollar national fund-raising campaign to oust Jeb. The Democratic National Committee, seeking to nurture and perpetuate Democratic anger over the presidential election, launched a "Voting Rights Institute" in Florida earlier this spring. And nearly a dozen Florida Democrats, including ex-attorney general Janet Reno, are considering a challenge to Bush.

All of this, plus the obvious White House interest, insures that Florida's gubernatorial election will be one of the most fiercely contested races next year. Just how fiercely can be gauged by the fact that the chairman of the state Republican party said last week he is "seriously considering" a strategy "to call into question the credibility" of the state's black leaders.

This is a striking departure from the Republican cordiality with black leaders that Jeb Bush has sought in recent years. And the new testiness is reciprocated across the race divide. Ask Rev. Jerry Girley about Jeb and his relations with Florida's blacks, and the longtime Democrat and civil rights leader at first waxes philosophical: "It's never too late, my friend." But truth be told, he sees little potential black support for Bush's reelection bid. "Is it too late for him to build relationships with us? Yeah, absolutely," he says. "Is it too late for him to work with people of color? Yeah. There's not going to be any bridge-building between the African-American community and the [Jeb] Bush administration."

If Girley is right, Bush should be worried. Though blacks usually make up a relatively small percentage of Florida voters, their votes were crucial—perhaps decisive—in his two previous gubernatorial bids. In 1994, a year in which Republicans across the nation swept into office, Bush lost his challenge to incumbent governor Lawton Chiles, 51-49 percent. He pulled just 6 percent of the black vote that year. In 1998, after a four-year campaign designed to boost his image among the state's minorities, Bush did better, more than doubling his share of black votes, as he defeated Buddy MacKay, then Florida's lieutenant governor.

But Jeb Bush's popularity with Florida's black voters may have peaked in 1998, when 86 percent of them voted for someone else. A year later he announced his "One Florida" plan, which sought to eliminate some but not all racial preferences and sparked protests across the state, including one in which two black legislators and several reporters camped for 25 hours inside the office of Bush's lieutenant governor. The ceaseless

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criticism from black Democrats and the media coverage of it was a first-term nightmare. (Ironically, Bush had conceived his plan as an alternative to a more comprehensive ban on racial preferences promoted by Ward Connerly, who led a successful campaign for such a ban in California. Bush labeled that effort "divisive," and said "I can't imagine doing what he's talking about.")

"One Florida" enjoyed support from a majority of the state's voters, but the protests against it foreshadowed the baseless but relentless accusations that Jeb Bush somehow conspired to fix the outcome of the election that made his brother president, and that he did so by "disenfranchising" thousands of black voters.

The potency of such demagoguery was on full display June 8 when the U.S. Civil Rights Commission released its report on the Florida vote. Even this partisan document, which came after a six-month investigation of the Florida election, offered no evidence of wrongdoing. Still, the report suggested that Bush was negligent, and it artfully managed to assign him almost full blame. Media coverage of the findings largely echoed the tone and the substance of the report. And Democrats cloaked their aspersions in grave, civics-lesson language designed to stoke minority resentment. "The DNC believes that voting is the language of our democracy, and we support the Commission's efforts to no longer allow Governor Bush and Secretary of State Katherine Harris to silence minority voters in Florida," said DNC national development chairman Maynard Jackson.

Susan McManus, a professor of political science at the University of South Florida, says Democratic arguments about the presidential election resonate in the black community. Asked whether Bush can do anything to repair his standing with Florida's black residents, she replies, "I don't think so. But it's not just Jeb Bush, it's all Republicans. Election 2000 has reopened too many of the wounds of Republicans."

Florida GOP chairman Al Cardenas provides evidence of that. "Frankly," he says, "I'm seriously contemplating a counteroffensive and taking the African-American leadership to task." Cardenas, who doesn't mention any of these leaders by name, acknowledges that such a strategy would mark a significant departure from recent GOP efforts.

"For years, Republican consultants said, oh, let's not get into a confrontation with African-American leaders because that will just lead to more confrontation and mistrust," said Cardenas. "Now, as 2000 shows, there's really nothing to lose by confronting them."

In terms of raw numbers, he may be right. Black turnout in Florida increased by 65 percent from the 1996 to the 2000 presidential elections. Florida Republicans had devoted significant time and resources to increasing their share of these votes, even assigning a full-time staffer to "African-American outreach." Despite these efforts, more than 9 of 10 black voters in Florida cast ballots for Al Gore.

This outreach failed in part, Cardenas suggests, because Republicans have been too timid to challenge directly the more demagogic anti-Republican claims of black leadership. Cardenas, who also sits on the Republican National Committee's "New Voices, New Faces" minority outreach committee, warns that a continued failure to do so will doom future outreach efforts.

"We need to call into question the African-American leaders and what they're saying," says Cardenas. "If we don't do that, [voters are] going to take the Democrats' and the African-American leadership's word for it. The only way we break that cycle is to call into question the credibility of those who are parlaying that message."

Cardenas pledges to avoid "the politics of personal destruction," but nonetheless says he intends to ask some tough questions. "[Democrats] controlled things for years. So we'll ask them why the schools haven't gotten better. Why has economic development in our cities failed for years?"

Such a strategy might open up Republicans to additional criticism from Democrats. Perhaps not surprisingly, Bob Poe, chairman of the Florida Democratic party, says it would be "insidious" to question the good faith of black leaders. "To attempt to undermine the credibility of African-American leaders is racist—and I use that term advisedly. It's divisive, and I think it will backfire." Poe can't resist a personal shot at Cardenas. "It's right in line with when he called an African-American voter registration drive a 'hate tour.'"

One Republican strategist says bluntly, "Al Cardenas is speaking for himself." Bush advisers distance themselves from Cardenas and insist that the reelection campaign will focus on the candidate. "Jeb Bush has a fantastic story to tell, and he's going to campaign across the state telling it," says one. "He's got a great record and he's going to campaign on it."

Rev. Girley, too, thinks the campaign will center on Bush. "African Americans will be energized and will go to the polls like never before," he says. ♦

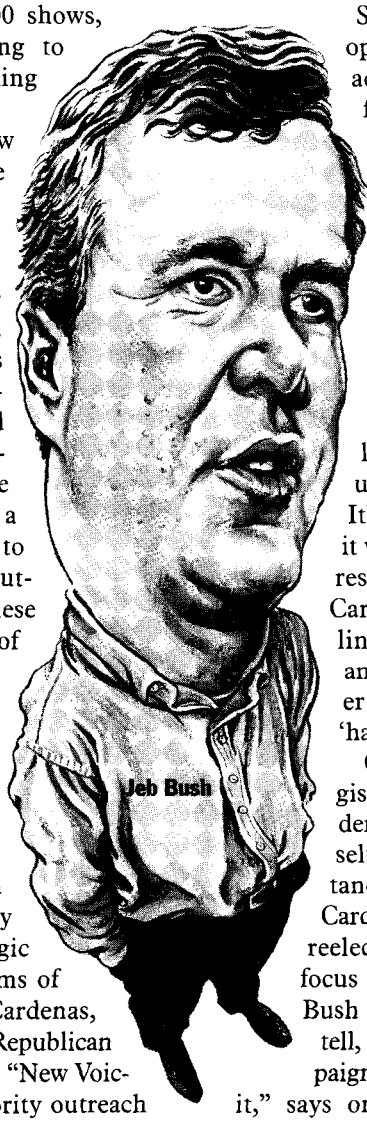

Illustration by Drew Friedman

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What's Wrong with Dodgeball?

The New Phys Ed and the Wussification of America

By Matt Labash

Of all the perplexing issues that have been brought to our attention by the *Journal of Physical Education, Recreation & Dance*—besides the fact that there *is* such a thing as the *Journal of Physical Education, Recreation & Dance*—none has been so puzzling as the question JOPERD chewed over in its April symposium: "Is there a place for dodgeball in physical education?"

In most adult memories of P.E., dodgeball at its best represented a test of skill and derring-do, requiring speed, agility, and accurate throwing in the face of barely controlled chaos. At its worst, it meant a red rubber ball fired into your goo-loos or glasses, a minor indignity filed away with all the other petty humiliations of growing up, like forgetting your homework, or being forced to wear those itchy Christmas corduroys that Aunt Bea sent along with the pecan roll.

But the debate has rocked the community of dodgeball scholars right to its foundations. While plenty of educators still believe dodgeball is a harmless exhibition of physical prowess and cunning, not to mention fun, the sport's naysayers have banded together with the moral fervor of the Abolitionists. Already, their movement has succeeded in having dodgeball banned in school districts in at least eight states.

In the JOPERD symposium, Jeff Byrd, a graduate student at Delta State University, urged that the "chance for injury is too great." Robert Kraft, a University of Delaware professor, worried that even with today's "nerf or foam balls that are often used for safety, . . . the intent remains—to hit another person with an object." David Kahan, an assistant professor in the Department of Exercise and Nutritional Sciences at San Diego State University, employed no empirical data to denigrate dodgeball, but he did offer that his wife "dreaded dodgeball days in physical education class because she couldn't throw and was almost always the victim of a hard-thrown ball." Kahan found dodgeball guilty of "leaving a lone winner amid a multitude of losers" while providing "coeducational inequity, high risk for injury, and wounded psyches."

While the U.S. Consumer Product Safety Commission keeps no data on wounded psyches, it does catalog just about every other sort of injury. Despite the protestations of assistant professors from third-tier universities, dodgeball's injury rate is lower than that of nearly any other sport. In 1999, the CPSC's national estimate for dodgeball injuries, none of which required hospitalization, was 2,926—about the same as caused by electric corn poppers and considerably fewer than caused by key chains. As for comparable sports, bowling had 8 times as many injuries as dodgeball, golf had 16 times as many injuries, and in-line skating (a non-combative, non-competitive staple of P.E. programs designed by forward-thinking educationists) produced 33 times as many injuries. According to the CPSC numbers, watching "murderball" (as detractors deem it) could be more dangerous than playing it, since bleachers cause 8 times as many injuries as the game itself.

An academic debate, of course, is no place for hard evidence. So among flame-fanning alarmists, dodgeball and, more important, the dodgeball ethos—which prizes competitiveness, and starkly delineates a winner while eliminating losers—is the greatest threat to our children since Alar-lacquered apples. Even though most now play the game with a spongy gator-skin ball, school districts are wary.

A few years ago, New York filmmaker Art Jones jokingly made a faux-documentary entitled *Dodgeball*, in which his characters recounted their gym-class horror stories. "I saw the best minds of my generation lost to that game," said one. But proving once again that it is nearly impossible to parody the education establishment, a Michigan physical education association in 1997 released a no-joke documentary, *No More Dodgeball: A New Beginning*. In the film, overweight teachers recover painful gym-

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class memories, as a reenactment flashes of a 1950s-style gym teacher making children perform unspeakable tasks like pushups, situps, and jumping jacks before he informs them with blood-curdling severity, "Okay boys and girls, today we're gonna play a game called dodgeball." From there, it is all movie-of-the-week music swells, moist-eyed testimonials, and oblique-angled montages of pink, milk-fed children getting doinked with red rubber balls.

If one were forced to pick the single person most responsible for the anti-dodgeball hysteria it would be Neil Williams, a professor in the Department of Health and Physical Education at Eastern Connecticut State University. In the early '90s, Williams authored the first of a series of articles for JOPERD in which he set up the "Physical Education Hall of Shame." These articles masqueraded as scholarship—his references ranged from "Dear Abby" columns to JOPERD articles like "Pre-meditated Murder: Let's bump off killer ball"—but they read like the rants of a man who had suffered too many gym-class headshots.

In his series, Williams vilified not only dodgeball, but any game he deemed antithetical to good physical education teaching. These included games that "are patently dangerous, have minimal participation by the majority of students, have limited physical activity, require little . . . pedagogical skill to teach . . . or single students out for potential embarrassment." Dodgeball, he reasoned, "may have done our profession more harm than any other single factor." In Williams's telling, the game Duck, Duck, Goose sounds like Chinese water torture: "Children are forced to sit still while having their heads 'tapped.'" Kickball puts "the batter on display for embarrassment in front of all of the rest of the class." Failing to find a seat during Musical Chairs is the equivalent of being "embarrassed and punished." Steal the Bacon is reminiscent of a "Roman gladiator contest," and Simon Says employs "teacher deception."

More important, said Williams, the sports curriculum that has served as the backbone of our country's physical education system (basketball, soccer, volleyball, etc.) caters mostly to athletes, when as adults more people end up participating in what educators call "lifetime physical activities" than in team sports. Citing a National Sporting Goods Association list of the top 14 sport-oriented leisure activities, Williams indicted our schools for not taking into account pursuits such as fishing, dart-throwing, and motor-boating.

Dart-throwing and motor-boating? To produce physically fit kids? When I ask Williams if he can possibly be serious, he squirms. "I know a lot of the activities that adults do happen to coincide with drinking beer," he admits. But he says he wanted to cite the complete NGSA list. Williams takes his own classes of aspiring P.E. teachers on exotic non-competitive excursions like "walking through a river." Apparently they love it. He was just named Eastern Connecticut State's "distinguished faculty member of the year." For that matter, with the recent resurgence of dodgeball publicity, he is perhaps the only JOPERD contributor to have been on the *Today* show—twice in the last month.

At first blush, the entire dodgeball skirmish might seem a mere footnote to the larger story, the Wussification of America. Ours is becoming a childproofed nation, where playgrounds have been shut down because of sharp-edged jungle gyms, where legislatures pass anti-bullying measures, where students are no longer sent home with suspension notices, but are sent instead to peer mediation and conflict resolution classes. It's a place where—as a friend who coaches his son's t-ball team reports from Arlington, Virginia—"All players bat every inning, nobody who's thrown out has to leave the bases, no score is kept, nobody loses, and everybody gets a trophy."

But Neil Williams and his ilk aren't simply a late-innings curiosity, a paragraph or two in a News-of-the-Weird round-up. They are the future. For no longer is it sufficient for our mollycoddled children, raised like hothouse orchids, to attend school for mere academic instruction. They must also learn how to salve their self-esteem, to stay with the group in cooperative learning, to set the bar low, then throw themselves a party for clearing it. Nowhere will they learn this more effectively than in the New P.E.

From the beginning, different cultures have employed physical education for aims beyond pure health. In ancient Greece, the war-mongering Spartans used physical instruction to help them withstand the rigors of military life, while the Athenians emphasized not only physical well-being, but the body beautiful, conducting their gymnastic sessions in the nude (unthinkable in the New P.E., where showering may be an affront to a child's dignity).

By the mid-twentieth century, Americans not only had copped the British system of teaching motor skills and fitness through competitive sports, but also saw physical education as a chance to perpetuate the Brits' towel-snapping vigor. As John F. Kennedy said in 1962, in language that today would see him

Illustrations by Fred Harper

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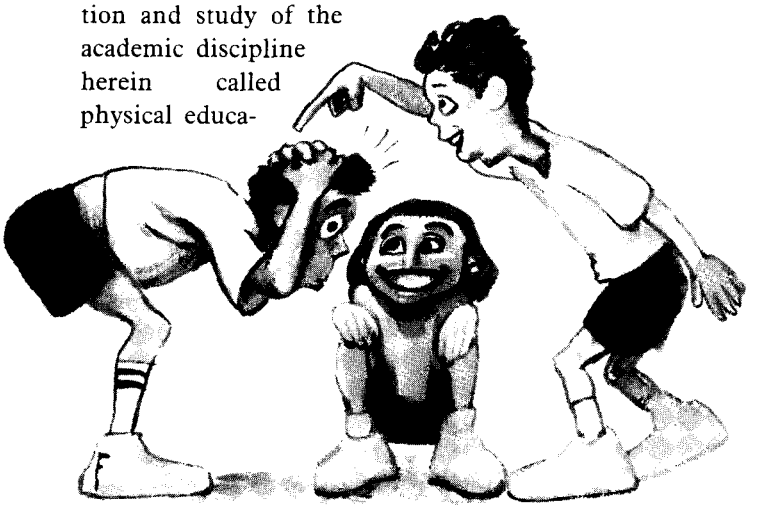
impeached, "There is nothing, I think, more unfortunate than to have soft, chubby, fat-looking children who go to watch their school play basketball every Saturday and regard that as their week's exercise." Just a few years before, the President's Council on Youth Fitness had been created to encourage kids to stay fit in the event Communists needed to be killed. It also sought to impart intangible benefits—that oddly enough did not include the enhancement of self-esteem.

The *Physical Education Handbook*, a '50s-era text, praised competitive sports for instilling sportsmanship, which the authors defined as "being humble in victory and gracious in defeat." Sports should teach the participant to "take hard knocks," to "subdue emotional outbursts for the good of the common cause," and to "adapt himself to constantly changing conditions of the game, just as he must in the game of life." "In real life," say the authors, "not all gain first place, not all win first prize, not all receive the acclaim and renown of the hero. So it is that sports are an ideal laboratory for education for living."

This quaint notion was generally subscribed to by the underemployed football coach-types who often doubled as the P.E. teachers of yore. But over the last several decades, master's degree-holding P.E. teachers have become an avowedly sensitive lot, mindful that their status in the education hierarchy rests somewhere above the shop teacher's and below the cafeteria lady's. As Virginia Tech's George Graham, who crystallized much New P.E. theory in the late '80s, quoted Woody Allen as saying, "Those who can, do. Those who can't, teach. Those who can't teach, teach physical education."

To correct this perception, academics launched an image overhaul in the mid 1960s. They started by doing what academics do best—making the simple complex. As outlined in the textbook *Foundations of Physical Education and Sport*, an academic named Franklin Henry sounded a clarion in 1964 for the "organization and study of the academic discipline herein called physical education." From there, it was off to the races. Physical education subdisciplines sprouted like kudzu. While some of these, such as sports medicine and physiology, derived from the hard sciences, P.E. majors could now wade into the much murkier bogs of "sport philosophy" and "sport pedagogy"—allowing them to introduce humanism, personal growth, and self-actualization into curricula that had been concerned with making kids run laps and climb gym ropes.



These forefathers of the New P.E. were so relieved to be excused from the children's table at their universities that many even pushed to rename the discipline "kinesiology," which is the study of human movement. By some counts, there are now over 150 names—everything from human biodynamics to leisure science—for what used to be physical education. In the decades that followed, an entire corpus of New P.E. literature was born. (Here, the term "literature" is used loosely, to include such works as "Changers and the Changed: Moral Aspects of Coming Out In Physical Education"—an examination of that time-honored stock character, the lesbian gym teacher.)

The fundamental tenet of New P.E. philosophy was distilled by Terry Orlick, a sports psychologist at the University of Ottawa, who authored *The Cooperative Sports & Games Book—Challenge Without Competition* in 1978 and a follow-up book four years later. In Orlick's world of cooperative games, "Everybody wins and nobody loses. . . . These games eliminate the fear of failure and the feeling of failure." Granted, there are plenty of New P.E. moderates, who believe that competition used correctly is an effective learning tool. As Dan Midura and Donald Glover write in *The Competition-Cooperation Link—Games for Developing Respectful Competitors*, "Neither competition nor cooperation is inherently good or evil. It is how we deal with competition and cooperation that can allow for effective or ineffective results."

But a great many practitioners of New P.E. are in the Orlick camp—and what a camp it is. Instead of the dreaded Musical Chairs, for instance, Orlick espouses Cooperative Musical Hugs (when the music stops, children hug each other). King of the Mountain is now People of the Mountain. To level the field for less athletically inclined children, he suggests playing with imaginary equipment (racketless tennis) or completely overhauling the rules, as in "strike-outless baseball" ("Who said, 'Three strikes and you're out,' anyway? I don't think it was God. So why not just eliminate the possibility?"). Traveling the world to find cooperative games, Orlick imported some real crowd-pleasers, like Helping to Harvest the Land from the ever-cooperative Chinese. And when he went to study the Inuit Eskimos, he learned the most important lesson: Never keep score, unless it's a collective score.

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"When the Inuit batted inflated seal bladders back and forth centuries ago," wrote Orlick, "the aim was to have fun trying to keep the ball up."

While Orlick writes as if he'd eaten some bad seal in the Canadian Arctic, his themes are still being echoed. Marianne Torbert, who oversees the Leonard Gordon Institute for Human Development Through Play at Temple University, is obsessed with "movement activities" instead of athletics. Under this thinking, a child cannot burp without developing a new "skill." Laboring under the motto, "It's not just a game. It's a developmental experience," Torbert suggests playing a non-elimination variant of Simon Says called Birds Fly, in which kids try not to get caught flapping their wings when a teacher names a non-flying creature. If they screw up, they stay in the game. And a good thing too, what with all the benefits Torbert says the players experience. Though few would argue that even the original version of Simon Says provides many fitness benefits, Torbert claims that Birds Fly not only utilizes everything from self-control to "thinking processes," but also contributes to "shoulder girdle development."

Middle school P.E. teacher John Hichwa pushed the new approach even further in his recent *Right Fielders Are People Too*. Quoting the likes of Peter, Paul and Mary and Leo Buscaglia, Hichwa writes that even more important than teaching physical skills is "nurturing pro-social behavior." To that end, Hichwa advocates eliminating "human-target games," using whistles only when refereeing, having students use make-believe jump ropes ("Everyone succeeds and no one ever misses!"), letting the students choose all their own activities, and allowing children to help grade themselves. Hichwa, it should be noted, was rated the National Association for Sport & Physical Education's middle school teacher of the year in 1993. Or maybe, in keeping with his teaching philosophy, they let him rate himself.

By now, the spreading of gooey layers of social science pap over formerly simple curricula has become a distinguishing mark of the field of P.E. Six years ago, the National Association for Sport & Physical Education (NASPE)—representing more than 18,000 gym teachers and professors—released its ideal "content" standards, the closest thing the diffuse discipline has to a bible. Of the seven standards, only four related directly to physical fitness, while the other three involved what the experts call psycho-social elements, such as understanding that P.E. activities provide an outlet for self-expression.

But while the New P.E. theorists bend over backwards to shave the hard edge off of competitive activities and make the activities conform to the student instead of expecting the student to master required skills, they are neglecting one of the oldest tenets of social psychology. Studies dating back to the 19th century support the concept of social facilitation, which holds that in any activity, from winding fishing reels to riding bikes, people try harder, and thus are often driven to perform better, when they're in competition with someone else.

One of the most common canards of the New P.E. is that traditional P.E. classes—supposedly rife with rope-climbing humiliations and bloody dodgeball battles—turned an entire generation of adults off lifetime fitness. But this isn't supported even by the New P.E. advocates' own data. A NASPE survey showed that nearly half of all adults polled "strongly agreed" that participating in P.E. as a child helped them to become active, healthy adults. Likewise, shielding children from the competition of team sports seems to be a losing battle, since 67 percent of adults and 69 percent of teens believed strongly that "participation in team sports helps children learn lessons about discipline and teamwork that are important and will help them in the future."

But one thing that nobody disputes about our children is that they are fat. According to the Centers for Disease Control, the number of young people who are overweight has more than doubled in the last 30 years. This is hardly surprising, since adults have gotten fatter too. So sedentary is our nation that even our pets are considered overweight (30 percent of them, to be precise). While New P.E. theorists speculate that our out-of-shape children are staying that way because they have disengaged from a system focused on competitive sports, these authorities seem to discount the more likely explanation: that our children are chips off the old blobs, little lipid factories programmed for maximum caloric input and minimal aerobic output.

Some New P.E. programs can fairly be said to address these problems. Madison Junior High in Naperville, Illinois—which features an amalgam of old and new activities—has students wear heart-rate monitors while participating in everything from cardio machine workouts to touch football to rollerblading. But more New P.E. programs seem to feature a let-the-students-decide menu allowing kids to emulate the narcissism of their parents when it comes to basic fitness. Much as Mom and Dad have forsaken running on treadmills to dabble in more expressive fare like candlelight yoga or bellydancing classes, kids can now participate in activities that have only slightly more cardiovascular benefit than dart-throwing or motor-boating.

Combing stacks of news articles that unblinkingly congratulate the New P.E., one sees kids doing everything from tap dancing to white-water rafting to playing mini golf. There's also hacky sack, unicycling, bow-hunting, tai

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chi, and at one Illinois school playing with yo-yos. While New P.E. teachers take a bow for figuring out how to minimize embarrassing performance-oriented competition, it's not clear that for a 13-year-old boy, doing the Electric Slide or chasing somebody around the gym with a rubber chicken in a new form of tag is less humiliating than shimmying up a climbing rope in tight polyester shorts. As one Wichita teenager told a reporter after he was done holding hands with classmates during a "social position" exercise: "I'm not gay."

Recently, I conducted my own field comparison between dodgeball-playing old P.E. and New P.E.-influenced classes. At Windy Hill Elementary school in Owings, Maryland, I fall in with Letty McNulty's fifth graders. Without a D.A.R.E. shirt or cargo shorts, and with my 100-pound weight advantage, I find it difficult to pass. No matter. I haven't come to make friends, but to participate in a dodgeball exhibition as the prototypical bully. I plan to whoop and holler, to intimidate and scourge. If memory serves, and I still possess the true aim, cat-like reflexes, and bloodlust I believe I had as an 11-year-old, I will stalk the basketball-court perimeter and peg these little punks like human Lite-Brites.

But before we get down to business, we have a symposium on the gym floor. McNulty, though she has a "no whining" sign posted on her office window, is not completely averse to New P.E. ideas. She believes that her youngest students (first and second graders) are best served by practicing non-competitive skill-building exercises, such as learning how to kick and throw. "But you will find," she adds, that even in first grade, "they try to keep score with anything. Even at low-level throwing stations, they'll say, 'We got 49 koosh balls in the basket!'"

As I address McNulty's class, I speak in the slow, patronizing tones of one not used to conversing with children. I explain how some adults want to do away with games where there are winners and losers, or where you might have to sit out. "Yeah," says one youngster already hip to the lingo, "you mean elimination games." I ask the kids how they feel about this. "Not good," says a boy named John. "It's good to have elimination games, 'cause you can compete against people." "But isn't competition bad?" I ask, adopting the tone of a New P.E. theorist. Won't there be damaged self-esteem? Wouldn't you rather measure yourself against your own personal best? Don't the girls get pushed around by the boys?

The children look at me like I've escaped from Special Ed. "We're tougher than the boys!" says a petite towhead named Stephanie, adjusting her hair kerchief. "I lose a lot of games, but it's still fun for me," volunteers a large student named Eric. "We've been playing these games almost all our lives," says a world-weary sprite named C.J. "We already know what our goals are, how good we are, how bad we play. [It's more fun to play] against other kids." Besides, adds a shy little girl named Julia, "you can train yourself to get better."

McNulty tells me that a few years ago, Julia avoided gym class like the bubonic plague, crying every time she attended. At this, Julia's eyes well with tears, and I fear we're headed for a New P.E. moment. "Don't cry, Julia," commands one of the boys. But the hard-fought tears of accomplishment flow anyway. After years of McNulty's working with her to develop her skills, and Julia's participating in extracurricular sports, she's now one of the best athletes in the class. As the teacher brags on Julia, the same boy slaps her a high-five.

McNulty informs the class that today we'll be playing several variations of dodgeball. Since she's in a retro mood, McNulty announces that we're using an old-fashioned rubber playground ball, instead of the usual spongier gator-skin. The children convulse in enthusiastic titters, as if it had just been announced they'd be receiving cigarettes and skin magazines.

They seem excited to be playing a no-holds-barred game. In recent years, school administrators have shackled them at every turn. The boys tell me they are no longer allowed to play football during recess—not even touch—because of possible danger. Instead of using a softball, they are forced to play with a "rag ball" that looks like a stuffed dog toy. During kickball, says a tall girl named Carolyn, they are now forbidden to throw batters out by pegging them with the ball, even though at home, she says, "I roll the ball in the mud, then throw them out." "What's left to do at recess?" I ask. "Sometimes," says C.J., "We just relax."

As we take our positions around the court, I try to adopt a look of menace, bouncing one of two red rubber balls as McNulty explains the rules. Today's game is "Greek Dodgeball," one of about 50 variations of the versatile sport. In this version, two teams line up on either side of the court, with a "goalkeeper" stationed behind each one. The goalkeeper is actually an opposing player who tries to pick off the team nearest him, while his team does the same from the opposite court, creating a crossfire. As people are hit, they get eliminated, but they're not really out of the game. Instead, they line the perimeter and become throwers themselves, until nobody on one team remains on the court.

As we play to the finish, the gym fills with gales of laughter. I'm surprised not to hear any wailing or gnashing of teeth—not even when a high heater I aim at young Carolyn's torso takes off and grazes her cheek. "You hit me

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in the face," she says, fixing me with an icy stare. "Are you okay?" I ask apologetically. "Of course," she says, as if shooing a fly, before she fells another of my teammates in retribution.

In our next game, we switch to pin-dodgeball, in which two teams bean each other, sending players to a penalty box for one minute every time they are hit. The object is to clear opponents out of the way, while you knock down two of their duckpins that sit at the far end of the court. For this round, I announce my team needs a name. The kids kick around the "Blue Afros" and the "Crystals" (after the glue-on crystal Stephanie sports on her cheek). But we settle on "Sisqo," for the singer who brought us "The Thong Song." During this contest, I turn into the loud-mouthed, bullying, win-at-all-costs dickweed that New P.E. teachers so fear, just to see if I can make the weak cower.

We have switched to a softer gator-skin ball (though earlier, the children voted 12-8 to keep the red rubber one). It is lighter and takes off in unpredictable trajectories every time the gym's air conditioner blinks on. Dodgeball detractors like to say the sport is poor exercise because the weak are culled earliest, and they're the ones who need the action most. But as any 10-year-old strategist knows, it is wise to take out the good throwing arms first, in the interest of self-preservation. After firing up my troops—"C'mon Sisqo!"—I direct a steady stream of smack-talk at the opposing team's best sniper, a rangy all-around jock named Colin, who nonchalantly makes me pay every time he takes aim.

All around me, the Sisqos are taking casualties, and our pin keepers are getting the worst of it. With only one pin left and my team down to its nub, I take leave of the one-minute elimination box 30 seconds early (the kids do full stints, on their honor, but when it comes to dodgeball, I have none). As Colin drills another of our pin-keepers, I scurry to grab the ball that's just shanked off the leg of my fallen comrade. I prepare to unleash a hell-for-leather fury in the name of all that is good and right, all that is Sisqo. But as I coil into my ball-cradling wind-up, I feel the unmistakable ping of a gator-skin ball between my shoulder blades. I turn around to face my assassin and see Carolyn wearing the cherubic, cathartic smile that all but says, "Take that, you galoot."

Though dodgeball detractors say the game provides too little movement, you could have fooled us. After all the throwing and dodging and sprinting, we emit the dank human musk of a spent fifth-grade gym class. I'm now convinced that dodgeball, played properly, is as good a means of exercise as any. But don't take my word for it. Take that of Dr. Brad Strand, chairman of the Department of Health, Physical Education & Recreation at North Dakota State University.

Strand is a dodgeball opponent who set out several years ago to prove that the sport was deficient in securing cardiovascular fitness. After running a rigorous study using a middle school gym class in North Park, Utah, however, he found precisely the opposite to be true. Hooking students of all fitness and skill levels up to heart-rate monitors during several rounds of elimination dodgeball, Strand discovered that players stayed above a moderate heart-rate of 140 beats-per-minute for a greater percentage of the time than they did playing most other team sports. Even more amazing, nearly half the class had a higher heart rate playing dodgeball than they did when they were sent on a nine-minute fitness run immediately afterward.

When I first contacted Strand to obtain his study, he sounded nervous, as if someone were trying to make the case that he was a child pornographer or Holocaust denier. "I'm a little leery of letting it out," he said. "I'm not a proponent of dodgeball . . . but the thing I haven't liked is people coming out and saying something is inherently bad without having any research to back it up." So intense is the current academic pressure against dodgeball that when Strand submitted his study to one prestigious journal, "they said they wouldn't even read it, it had 'dodgeball' in the title." Strand changed his study's title to the less offensive "The Effect of Class Size and Number of Balls On Heart Rate Intensity During A Throwing Game Activity." It was published in the rather unprestigious *Nebraska Journal of Health, Physical Education, Recreation & Dance*. As far as Strand knows, it's never been cited.

A few days later, I'm off to Monocacy Elementary School in Dickerson, Maryland, where a student stands a better chance of winning Pimlico's Pick-Six than getting beaned with a dodgeball in P.E. The gym teacher, Debbie Summers, is a New P.E. disciple, and she has the costume to prove it. Today, she is sporting a safari hat, golf-club earrings, and a ski-map shirt. Her apparel is supposed to evoke the "skill themes" that her students have learned throughout the year, associated with the Amazon Rain Forest, the Olympics, a golf course, and a Winter Wonderland. Where most people look at the gym and see a basketball court, Summers sees a land of make-believe.

The gymnasium looks like the New P.E. equivalent of the Marine Crucible on Parris Island. Scattered around the court are about 25 stations where Summers's fifth graders will revisit the movement concepts they've been learning all year. Festive, magic-markered laminated placards identify the stations and highlight the aforementioned themes. From an even vaster array of activities, the

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25 stations set up today were voted on by the school's student government, since, Summers says, "It didn't seem fair for me to choose."

As the children enter the gym to the boombox strains of a jazzy "Jingle Bells" (in keeping with the Winter Wonderland theme—*not* Christmas, Summers assures me), she announces to the kids that they will be traveling to all their stations on sit-down gym floor scooters—seats on wheels, with side handles—which she calls "jeeps, sleds, golf carts, or whatever you pretend them to be." After a quick review, the students are unleashed. They mount their scooters, and I follow three of them to the Howler Monkey Howl station.

"What do you do here?" I ask. "You have to howl like a monkey," one girl deadpans. According to the posted instructions, it's a little more complicated than that. Students must "bend knees slightly, lean the body forward, hang arms at sides, touch fingers to the ground at each step, stop now, and then beat chest in monkey fashion." I ask Summers what "lifetime physical activity" this addresses. "Well if you look," she explains, "they're shifting their weight a little bit."

From the monkey station, I catch up with a boy named Charles. He is tall and athletic and is sporting a blood-blister on his lip that he got from playing basketball (not in Summers's class). As Charles sets about his task at the Blizzard station (in which children sit on their scooters while kicking tennis balls helter skelter), I ask him if he ever feels silly doing things like the Howler Monkey Howl. "Yes," he readily admits. "Because one, you don't do that stuff in real life. And two, it's not really a physical education activity."

There are, at several of Summers's stations, impressive displays of coordination, though the activities don't look as taxing as, say, a vigorous round of dodgeball. At a juggling station, it seems every student can at least keep up scarves, if not balls or pins. Most seem capable of making it partway up a climbing rope, which they're supposed to imagine runs through the four layers of the rainforest, though as Summers emphasizes, "They don't have to climb, they can just hang—there's no competition."

But most of the rest of the stations would have a '50s-era gym coach scratching his Vitalis-slicked head in puzzlement. At the Javelin Throw, kids toss pool noodles through a hula hoop. Over at the Coke Bear Dance, the students aren't getting a fraction of the exercise enjoyed by the hockey-playing polar bears that decorate the station's sign. Instead, they pull empty Coke cans out of a baby wading pool and use them to build pyramids.

Perhaps the most ridiculous stop is the Build a Snowman station, where students are asked to build snowmen from soccer balls stacked between rubber donuts. "What's the point here?" I ask Summers. She smiles, wiggling her fingers. "It develops fine motor skills." So does scratching your ear, of course, but most people don't expect to get an "A" for it in physical education.

In another corner of the gym—perhaps the busiest corner—sits the Gold Medal Stand. While students mount a crate and play a jambox that blasts the national anthem, they haggle over who'll get to drape themselves with a gold medal labeled "Winner," which they've earned for doing absolutely nothing. As a fifth-grader named Holly is taking her turn in the limelight, another student named Miles approaches her. "I want an award!" he demands impetuously. Holly tells him he'll have to wait. "You must worship me," she says. While Summers insists her kids don't perform any activities for which they're not cognizant of the attendant skill, it's hard to see what's being honed at the Gold Medal Stand. Maybe their self-indulgent-little-twit skills.

Over in the Snow Plow Zone, Cordelia and Julie sit on their scooters while picking up foam balls with their feet, which they then drop into a milk crate. Trying to impress them with my New P.E. buzzwords, I ask if this is one of those "lifetime physical activities" that will be so useful to them when they are adults. "Nope," says Cordelia matter-of-factly, before reconsidering. "Well, maybe if you have two broken arms." I ask the girls if they can think of anything that would promote physical fitness more effectively than the Snow Plow Zone. Their faces light up. They can. There's this one game that involves a lot of running. It's more fun, and they assure me that it's much "better exercise." It's called dodgeball. ♦

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Bush Is Right on Global Warming

. . . not that reporters would understand.

By James K. Glassman and Sallie L. Baliunas

Climate, Richard Lindzen of MIT fondly reminds us, always changes. It must. Over centuries, responding to stresses internal and external, the earth is either warming or cooling, just as the temperature from day to day heats or chills. It could stay the same, but not for very long. "Climate change," then, is not a calamity but a truism.

Evidence from ice cores, glaciers, boreholes and tree rings, deposits of microscopic animals on the sea floor, pollen in lake beds, and mineral deposits in caves show clearly that surface temperatures in some centuries have been very different from temperatures in others. From roughly 800 until 1200 A.D., for example—during what's called the Medieval Warm Period—the Northern Hemisphere became so hot that the Vikings cultivated Iceland, Greenland, and Newfoundland. By the 1300s and 1400s, a widespread cooling had begun that devastated Europe with shortened crop-growing seasons, and human lifespans fell by 10 years. That "Little Ice Age" persisted until the late 19th or early 20th century. Such major climate swings occurred long before the industrial age. More important, the earth's cycles of warming and cooling predate human existence—not to mention sport-utility vehicles.

But, in the view of the people we call "calamitologists," it is man—especially modern man—who despoils nature, stomping around in the Garden of Eden, killing rare species, dumping slop in the streams, and, in a final flourish, turning this beautiful green planet into an oven.

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A footnote on page 9 of "Climate Change Science," the study released in early June by the National Academy of Sciences, addresses just this issue: "While the activities of mankind are part of the natural world, the convention exists in most discussions of the atmosphere that 'natural processes' are those that would still exist without the presence of human beings."

And what are these unnatural humans up to now? They are spewing more and more carbon dioxide into the atmosphere. As CO_2 rises, it tends to prevent some energy from escaping to space. If the climate system does not shed that extra energy, the buildup of CO_2 in the air could enhance the largely natural greenhouse effect. Eventually, goes this scenario, the planet gets so warm that icecaps melt, malarial mosquitoes swarm, and droughts starve the inhabitants.

To head off such a putative catastrophe, a protocol signed in Kyoto, Japan, in December 1997 required industrial nations to reduce their emissions of greenhouse gases to levels well below those prevailing today. Since carbon dioxide results from the burning of all fossil fuels—coal, oil, natural gas, wood, peat, you name it—the only effective way to cut emissions is to limit the use of energy, either through a high carbon tax (on gasoline and electricity, for example) or by government fiat (the sort of blackouts we see in California). President Clinton's Department of Energy estimated the cost of enforcing such limits on the United States alone at $300 billion to $400 billion—that is, 3 to 4 percent of GDP—a year.

It was hardly surprising, therefore, that the Senate in July 1997 pledged, 95-0, not to ratify any climate-change treaty that exempted developing nations and caused "serious harm" to the U.S. economy. The Kyoto treaty did both, but four months later Al Gore signed it anyway. In the ensuing three years, no developed nation (unless you count Romania) ratified it—though the Europeans and Japanese heaped scorn on Americans for resisting. This March, President George W. Bush took the obvious—and courageous—step of rejecting Kyoto. It was, he said, "fatally flawed in fundamental ways." Bush did two other

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things: He asked the National Academy of Sciences quickly to review the state of knowledge about climate change, and he ordered a cabinet-level working group at the White House to conduct an unprecedented seminar on global warming, listening to scientists and economists explain what was known and unknown. We both participated in that process.

On June 11, five days after the Academy issued its report, the president gave a clear, smart, and forceful presentation on climate change in the Rose Garden. He quickly dismissed Kyoto but said that climate change was a serious matter. He reviewed the science and noted that the United States had spent $18 billion on climate research since 1990—"more than Japan and all 15 nations of the EU combined"—but that this wasn't enough. There are too many gaps in our knowledge. First, he said, we need to know the nature of the problem. Then, if it is serious and conducive to mitigation, we will try to fix it. But sound science comes first.

He was, of course, exactly right, but the press—more biased on environmental issues than on most others—chose to concentrate on the conflicts he would have with Europeans on his imminent trip there and to ignore such remarks as: "Our useful efforts to reduce sulfur emissions may have actually increased warming, because sulfate particles reflect sunlight, bouncing it back into space." These are nuanced issues, and, unlike most reporters, the president showed a command of the subject.

AP / Wide World Photos

It was predictable that when the Academy's report appeared, it would be distorted by the media. The *New York Times*, the worst of the cheerleaders for calamitology, said in a lead story, "A panel of top American scientists declared today that global warming was a real problem and was getting worse, a conclusion that may lead President Bush to change his stand on the issue as he heads next week to Europe." This sort of wishful thinking was a theme of the coverage. Said an *Arizona Republic* headline: "Global Warming Confirmed; Finding by Panel Means Pressure for White House." Michelle Mitchell of CNN reported that the Academy study was "a unanimous decision that global warming is real, is getting worse, and is due to man. There is no wiggle room."

No wiggle room! In fact, no sensible person who reads the report (and it is only 28 pages long; read it at *www.nap.edu/catalog/10139.html?onpi_newbooks_060801*) can come to any other conclusion than that there are enormous uncertainties about whether the earth will heat up in a dangerous way in the next century, and whether human-induced greenhouse gases are a significant culprit. Those are the essential questions, and the Academy's panel of 12 distinguished scientists said there are no answers. In fact, in the brief report, the words "uncertain" and "uncertainty" appear 43 times.

But journalists either did not read the report, or they willfully ignored it. It's true that an accompanying press release and brief summary may have misled reporters, but there's no excuse for missing such conclusions as this one on the very first page of the study:

> Because there is considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols, current estimates of the magnitude of future warming should be regarded as tentative and subject to future adjustments (either upward or downward).

The big news according to the media was that the earth has gotten warmer. Confirmed! But this is a non-event. No scientist doubts that over the past 100 years, the temperature observed near the surface and averaged over the earth has increased by about 1 degree Fahrenheit. But there are three important qualifications of that fact:

(1) There was a strong surface warming between the 1890s and the 1940s, followed by a pronounced cooling (and warnings of a catastrophic ice age by some of the same calamitologists who now claim disastrous warming) from the 1940s to the 1970s, then rising temperatures again from the 1970s to today. What's important is that carbon dioxide emissions were insignificant in the early 20th century, yet substantial warming occurred anyway. That warming must owe something to natural causes of climate change.

(2) The warming of 1 degree Fahrenheit seems to have had beneficial effects. It increased growing seasons, for

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instance, and reduced winter heating needs. Certainly, if judged by improvements in human and environmental health, wealth, and welfare in the 20th century, it has had no adverse effects.

(3) The recent warming has been observed only on the *surface* of the earth, using thermometer measurements that have major uncertainties—for example, the local heating produced by growing, mechanized cities. More sophisticated temperature records—taken from the surface to a few miles up into the lower atmosphere using NASA satellites—show no warming over the past 22 years, the period for which the satellites have been yielding measurements.

That last point is worth expanding, because it lies at the heart of the debate on the magnitude of human-made warming. According to the story that calamitologists tell, the lower layer of air must warm, in concert with the earth's surface, when the air's carbon dioxide content increases. The projections made by computer simulations of the climate insist that the increase in the air's concentration of carbon dioxide should have caused a warming in the lower air of about 1 degree Fahrenheit. But no such trend can be seen in the record.

Why not? Explanations of the discrepancy just don't wash. Maybe the satellite readings are in error? But they are vetted daily by independent measurements from balloon-borne instruments. The correlation between the two data sets is nearly perfect, establishing the global satellite temperature record as one of the most precise and important readings that we have for testing the question of human-made global warming.

Perhaps soot lofted into the air from human industry masks the expected warming by carbon dioxide? Particles of soot aloft, according to this idea, reflect sunlight away from much of the earth, producing a cooling trend that offsets the warming effects of CO_2—hence the lack of evidence in the satellite record, though humans are heating the planet.

That, anyway, is the theory. Unfortunately for the calamitologists, it can readily be tested. Simply compare the difference in observed temperature trends between two halves of the earth. Most of the industrial soot stays in the Northern Hemisphere. There, the shading by the soot aerosols ought to mask the warming by CO_2, and show little or no warming trend. On the other hand, the Southern Hemisphere, relatively free of the soot, should show largely unmasked warming.

But in fact, the Southern Hemisphere shows a distinct *cooling* trend, forcing us to modify or abandon the aerosol shading theory. Of the human-made aerosol effect, the Academy report states that its impact "is a large source of uncertainty about future climate change" and that "the monitoring of aerosol properties has not been adequate to yield accurate knowledge of the aerosol climate influence."

Aerosols may also influence clouds, the second of the two large factors in the natural greenhouse effect. Of the possible impact of aerosols on clouds, the report concludes, its "great uncertainty . . . presents a severe handicap both for the interpretation of past climate change and for future assessments of climate changes." The wiggle room seems to be increasing.

And clouds are closely related to the most important natural greenhouse agent, water vapor. The computer simulations that produce alarming levels of warming over the next century all assume that water vapor will amplify the small bit of warming expected from an increase of carbon dioxide concentration in the air.

That assumption, however, has not been verified by any actual measurement. The Academy report states, "The nature and magnitude of these hydrological feedbacks give rise to the largest source of uncertainty about climate sensitivity, and they are an area of continuing research."

Indeed, hydrological feedbacks might diminish or magnify warming trends. But all the computer models assume that water-vapor feedbacks produce a large gain in global warming. If that assumption is untrue, then every model exaggerates warming at the lowest levels of the atmosphere. Both clouds and water vapor—each more important in the greenhouse effect than CO_2—are simply not understood by climatologists.

Richard Lindzen, the Alfred P. Sloan Professor of Meteorology at MIT and one of the scientists serving on the Academy panel, has worked out a stunning hypothesis with colleagues at NASA: Cirrus clouds may act as thermostats. As the earth warms, clouds adjust in their surface coverage, shedding more energy back to space. But all the computer models assume no change in cloud activity from warming.

In fact, Lindzen believes that clouds tend to reduce much of the warming expected from increased CO_2. Just how big an effect do these clouds have as a thermostat, turning down the heat? The Lindzen group estimates that if doubling carbon dioxide would increase temperature as much as 7 degrees F, the cloud effect alone could hold that increase down to less than 2.5 degrees F.

Without computer models, there would be no evidence of global warming, no predictions of disaster, no Kyoto. So far, remember, the earth has increased its temperature by just one degree in a century. By simulating the climate on giant, ultra-fast computers, scholars try to find out how it will react to each new stim-

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ulus—like a doubling of CO_2. An ideal computer model, however, would have to track five million parameters over the surface of the earth and through the atmosphere, and incorporate all relevant interactions among land, sea, air, ice, and vegetation. According to one researcher, such a model would demand ten million trillion degrees of freedom to solve, a computational impossibility even on the most advanced supercomputer. The Academy report puts it this way: "Climate models are imperfect. Their simulation skill is limited by uncertainties in their formulation, the limited size of their calculations, and the difficulty in interpreting their answers that exhibit almost as much complexity as in nature."

In addition, the forecasts are so new that they haven't been tested. An economic model might have predicted in 1990 that GDP would grow by 4 percent in 2000. Economists could see if it was right and, if not, change it. But climate models can only be backtested—that is, applied to the past, and even then they come up short. Lindzen noted in Senate testimony on May 2 the "widespread agreement" among climate scientists "that large computer models are unable to even simulate major features of past climate." That means we can have no confidence in the models to forecast future climate.

Perhaps more important, the National Academy of Sciences' report highlights the difficulty in understanding *natural* climate changes. And if we can't understand those, then we can't figure out the human effect. One major natural component in changing the climate is—not surprisingly—the sun. New findings, based on satellite measurements, suggest that heat emanating from the sun to the earth changes significantly on time scales of decades to centuries. NASA satellites have uncovered the fact that the sun's changing magnetism over the course of its sunspot cycle is accompanied by a change in total energy output.

This may be the simple explanation for temperature change on earth: The amount of energy reaching us increases or decreases as the sun brightens and fades. And the change in solar magnetism, or total energy output, is highly correlated with changes in the temperature of the Northern Hemisphere going back 240 years (records of the entire earth over this period are not accurate enough to study). The sun is today as magnetically active as it has been in 400 years of direct telescope observations. In other words, the mystery of global warming may have a simple solution—it's the sun that's heating the earth, with its heat rising and falling in fairly regular cycles. If so, there's nothing humans can do about it.

The temperature records of the Medieval Warm Period and the Little Ice Age are not precise, but the larger trends of those centuries are clear. The pattern of widespread warming followed by strong cooling also tracks the measured changes in the sun's magnetism. That information is captured in tree ring measurements of radiocarbon, whose formation in the upper air by cosmic rays—fast moving particles from the galaxy—is modulated by the swings in the sun's magnetism. That record reveals that the sun's activity waned at the onset of the Little Ice Age, then recovered to its current energetic state.

Recent research indicates other influences of the sun on the climate. Certain wavelengths of the sun's energy output, like the ultraviolet rays so important to the chemistry of the upper reaches of the earth's atmosphere, vary tremendously over a decade or longer, and seem to alter wind and weather patterns, and clouds.

Most recently, a research team at the Harvard-Smithsonian Center for Astrophysics has linked the temperatures, measured by satellites, of the low layer of air to changes in the varying flow of fast-moving electrons pelting the earth over the sunspot cycle. Whatever the explanation for the sun's influence, the fact is that the sun's imprint is very strong in the climate record, and the computer simulations fail to capture it.

The truth about climate change is that we don't know much about it. The bad news is that a major global warming could do a lot of harm. The good news is that we have ample time to find out if it's on the way, and that so far the scientific evidence does not support catastrophic warming, from any cause, human or otherwise. Taking the exaggerated forecasts of the deficient computer models at face value, we could still delay making initial cuts in CO_2 emissions for as long as three decades and pay just a tiny penalty 100 years from now—less than half a degree Fahrenheit, a trivial amount in the wash of natural climate fluctuations. That gives us a wide opening for improving climate science so that it can define the magnitude of the human effect, develop cost-effective CO_2 mitigation technology, and consider adaptation strategies—*if* climate change turns out to be a real risk.

Global warming is *not* a here-and-now problem. If the computers are right, the dire effects will unfold slowly over the century. But signs now indicate that the models vastly overstate the problem. We'll see. Only serious research on a large scale—an unbiased U.S. effort, funded by both industry and government—can answer the essential questions about climate change. Kyoto was based on unsound science. If it's dead—and that is by no means certain, given the factional struggles within the Bush administration—we can concentrate our efforts on sound science, and use it as a foundation for sound public policy. ♦

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Los Angeles Times

FRIDAY, MAY 18, 2001

Change of Tune on Drug Policy?

By ETHAN A. NADELMANN

Is there any chance that President Bush could pull a "Nixon goes to China" on drug policy? Don't laugh. It's possible.

On Monday, when the Supreme Court ruled against the medical marijuana buyers' clubs, Justice John Paul Stevens noted that candidate Bush had supported state self-determination on medical marijuana use. And last January, Bush said: "I think a lot of people are coming to the realization that maybe long minimum sentences for first-time users may not be the best way to occupy jail space and/or heal people from their disease."

Admittedly, for those who think the war on drugs is doing more harm than good, Bush's appointment of John Ashcroft as attorney general was a disaster. "I want to escalate the war on drugs," he said shortly after being appointed. "I want to renew it. I want to refresh it, relaunch it if you will."

Ditto for John P. Walters, Bush's choice for drug czar. It's hard to find someone more bellicose when it comes to the war on drugs. Walters is enamored of costly international control efforts, notwithstanding the absence of evidence indicating that they have any impact on drug abuse problems in this country. Forget about science and public health. He prefers to lock people up.

Ashcroft and Walters are the temperance warriors of today, intent on punishing people for the "sin" of using drugs.

But not everyone with influence in the Bush White House shares that view. GOP governors who once rode the drug war bandwagon are beginning to sing a different song for any number of reasons.

Connecticut **Gov. John Rowland** has started telling fellow Republicans that the best way to bring African Americans into the party is to address the unfairness of the criminal justice system. He's now supporting efforts in his own state to divert drug offenders into treatment.

Similarly, New York **Gov. George Pataki** surprised everyone earlier this year by calling for significant reform of the draconian Rockefeller drug laws (although Pataki's actual proposal fell far short of his rhetoric).

Tommy Thompson, the former Wisconsin governor who now heads the Department of Health and Human Services, has also changed his tune. A major prison builder for most of his gubernatorial tenure, Thompson said last year that enough is enough. More recently, Thompson's hand was apparent in the appointment of fellow Wisconsinite Scott H. Evertz, who supports needle exchange, as the new "AIDS czar."

GOP governors who once rode the drug war bandwagon are beginning to sing a different song.

And then there's New Mexico **Gov. Gary Johnson**, a libertarian Republican who's dared say what few other politicians will say but many Republicans believe: that our biggest drug problems have more to do with drug prohibition than drug use per se.

Johnson was not the first prominent Republican to utter such sentiments out loud; former Secretary of State George Shultz has been saying much the same since 1989, and Tom Campbell, the former California congressman who ran for U.S. Senate last year, articulated a similar message. Ditto for William F. Buckley Jr., Milton Friedman and other prominent conservative intellectuals.

The fact is, there's a libertarian streak that runs deep in the Republican Party that understands the futility of trying to prohibit what are essentially global commodities markets. Many of these libertarians recoil--just as do many Democrats--at the drug war's assault on personal freedoms. Look for some of them to speak their minds.

As for other voices close to Bush:

Secretary of Defense **Donald Rumsfeld** told Congress in January that illicit drug use is "overwhelmingly a demand problem." At the Republican National Convention last summer, Colin Powell, now Bush's Secretary of State, condemned the wholesale incarceration of "2 million Americans who, while paying for their crimes, are not paying taxes, are not there for their children and are not raising families." Too many, he noted, are young black men--a large percentage of whom are in prison on drug charges.

As for all those thirty-, forty-and fiftysomething Republicans now filling top White House slots and senior positions in federal agencies, can anyone doubt that a fair share smoked the occasional marijuana joint or broke a few other drug laws in days past?

And then there's **John J. DiIulio Jr.**, Bush's "faith czar." True, in the mid-'90s, he wrote a book (with William Bennett and John Walters) defending the "lock 'em up" approach to drug crimes and just about everything else. But DiIulio changed his tune a few years ago, moved in part by his own empirical studies of who was being incarcerated and in part by his own personal religious transformation.

Now DiIulio says that mandatory minimum drug laws need to be repealed, that drug-only offenders should be released and that drug treatment should be available both behind bars and in the community. One would hope that this strikes a chord with Bush. Don't hold your breath, but just maybe Bush will "go to China" on this one.

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Where Has Jane Eyre Gone?

In praise of girls' books

By Gina R. Dalfonzo

Pierre-Auguste Renoir, *Two Girls Reading* (1890). All pictures: CORBIS.

Of all the dreary demystifications of female experience advanced by feminists, surely one of the silliest is the claim that the heroines of girls' classics helped turn generations of admiring readers into milksops. Yet that is the thesis of Deborah O'Keefe's *Good Girl Messages: How Young Women Were Misled by Their Favorite Books*.

A former professor of English at Vassar and Manhattanville, O'Keefe would persuade us that "many girls were damaged by characters, plots, and themes in the books they read and loved," because in these books "female virtue" is invariably bound up with "sit-still, look-good messages." Arguing from supposedly stereotypical literary scenes—depictions of mothers making their daughters feel safe and loved, for example—along with ominous anecdotes attempting to show how the women of her own generation are passive and pliant, O'Keefe insists that until about 1950, a vast literary conspiracy was trying to suck the brains and spirit out of little girls.

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What is impressive about this contention is the boldness of its inversion of reality. Indeed, O'Keefe does her readers a favor by sending us scurrying to our shelves to pore through half-forgotten, well-loved stories and confirm that, sure enough, the exact opposite is true: The great girls' books of the nineteenth and early twentieth centuries (many of them further popularized in film, television, and stage versions) are filled with active, vibrant young women notable for their moral strength. These novels celebrate character in girls and women in a way that their contemporary counterparts, filled with characters brooding over nasty boys and weight problems, seldom do.

Good Girl Messages
How Young Women Were Misled by Their Favorite Books
by Deborah O'Keefe
Continuum, 212 pp., $26.95

To revisit the girls' classics of the nineteenth and twentieth centuries, actually, is to enter a heroines' hall of fame. This doesn't stop O'Keefe from disparaging characters like "brave but passive" Sara Crewe. The central figure in *A Little Princess* (1905) by the English-born American writer Frances Hodgson Burnett, best known for *The Secret Garden* (1911), Sara endures hardship, including her beloved father's death and her resulting poverty, in a way that has inspired girls for a century. "You have to bear things," Sara explains to a friend early in the story, when her father has left her at boarding school. "Think what soldiers bear! Papa is a soldier. If there was a war he would have to bear marching and thirstiness and, perhaps, deep wounds. And he would never say a word—not one word."

This kind of stoicism is bad, O'Keefe explains, because eleven-year-old Sara doesn't escape her awful situa-

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tion on her own, but merely suffers until a heroic male, her father's old friend, rescues her. Besides, isn't there something sinister, O'Keefe insinuates, about this "father-worship"?

Yet it would be hard for parents to provide their daughters a better model of generosity and resourcefulness than Sara Crewe. With the help of a few friends and a vivid imagination, she creates an inner life as a "princess" that helps her endure the worst circumstances with dignity. In the book's most moving scene, Sara uses a coin she has found to buy six buns, then gives five of them to a beggar girl who is even hungrier than she is:

> [Sara] was talking to herself, though she was sick at heart. "If I'm a princess," she was saying, "If I'm a princess—when they were poor and driven from their thrones—they always shared—with the populace—if they met one poorer and hungrier than themselves."

Sara's imaginary royalty gives definition to her private sense of who she is: one held to a very high standard. Her notion about princesses (whether or not Burnett intended it) reflects the Biblical concept, second nature to nineteenth-century readers, that the greatest of all is the person who serves others. It makes Sara so attractive that her story has never gone out of print.

Girls raised on books like *A Little Princess* and L.M. Montgomery's *Anne of Green Gables*, another tale of an imaginative orphan, don't have to attend self-esteem classes and empowerment seminars to learn how a confident female behaves. The first in an eight-volume series, *Anne of Green Gables* (1908) is set on Prince Edward Island in Canada. Its heroine, Anne Shirley, is "feminine to the core" ("I'd rather be pretty than clever," she confesses to her best friend, Diana), but she is ultimately remembered for her intelligence, creativity, and thoughtfulness. Although Anne's love of big words and elegant phrases means that these books aren't always easy reading—"Henceforth I shall cover the past with the mantle of oblivion," she announces at one point—girls still devour them. And in the 1980s, two hugely popular television movies familiarized an even wider audience with Anne's escapades—falling off a roof, accidentally dyeing her hair green, breaking her slate over the head of a teasing boy, and so on. (This particular girl wasted little time agonizing over the cruelties of the opposite sex.)

But Anne's appeal goes beyond the funny scrapes she gets into. In *Anne of Avonlea* (1909), her friend and future suitor Gilbert—by now recovered from

the slate incident—reflects on what makes her so attractive:

> Anne's greatest charm was the fact that she never stooped to the petty practices of so many of the Avonlea girls—the small jealousies, the little deceits and rivalries, the palpable bids for favor. . . . Anything of the sort was utterly foreign to her transparent, impulsive nature.

Even in 2001, a girl trying to maneuver in the cutthroat world of junior high and high school might be fortified by the example of a heroine who is sweet enough to make friends without acting phony, and strong enough to stand up to peer pressure.

Other equally spirited, morally serious pre-feminist heroines have survived the test of time. Any list would have to include Johanna Spyri's fearless Swiss mountain girl *Heidi* (1880); Laura Ingalls Wilder, who recalled her childhood days on the prairie in the *Little House* books (1932-43); *Emily of New Moon* (1923), another L.M. Montgomery heroine and an aspiring writer; and Carol Ryrie Brink's *Caddie Woodlawn* (1935), a pioneer tomboy who manages to prevent a battle between settlers and Indians. These books and many others like them suggest that, contrary to O'Keefe's theory, girls' authors before 1950 were far more concerned with encouraging girls and young women to develop their minds and learn self-reliance than with teaching them to sit around and look pretty.

Few writers have stressed character more than Louisa May Alcott, author of *Little Women* (1868) and numerous other bestsellers. And it was Alcott, one of America's early feminists, who showed most clearly how religious faith and family ties helped young women achieve character—again, in direct opposition to modern feminists, who argue that such "patriarchal" influences actually stifle girls. In *Little Women*, it's clear what keeps New England sisters Meg, Jo, Beth, and Amy March going despite poverty, hard work, and their father's absence in the Civil War. Their mother provides firm and loving guidance—limiting the amount of time seventeen-year-old Meg spends with an admirer, giving the girls Bibles as gifts, encouraging them to donate their Christmas breakfast to poor neighbors, and teaching Jo to control her hot temper. Letters from their father remind them of his love for them and confidence in them. And the girls themselves, despite their occasional fights, look out for each other and encourage each other: "The two older girls were a great deal to one another, but each took one of the younger sisters into her keeping and watched over her in her own way."

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Jo plainly defies the contemporary feminist caricature of the past as a time when prim and proper heroines were all the rage. She is a nineteenth-century girl who talks slang; loves to run, ride, skate, and write stories; and, according to her sister Amy, "never *will* behave like a young lady." Even O'Keefe is compelled to recognize that *Little Women* is not only a great read, but also a wonderful tool for helping girls develop inner strength and confidence.

But if she praises the teenage Jo for her spirit, O'Keefe also accuses her of "copping out" by eventually outgrowing her wild ways. Yet during the picnic at the end of *Little Women*, it's obvious that Jo, now a wife, mother, and headmistress of the boys' school she and her husband have founded, is as buoyant as ever: "Jo was in her element that day, and rushed about, with her gown pinned up, and her hat anywhere but on her head, and her baby tucked under her arm, ready for any lively adventure which might turn up." Jo learns a good deal about patience, tact, and maturity in general, but, as this scene demonstrates, she never loses her "jolly" ways.

The real problem is not in Jo, but in the distorted vision of her modern critics. They ignore the vital connection between Jo's strength and her parents' careful teaching, which many dismiss as "foolish moralizing" and "historical baggage," in the words of novelist Bobbie Ann Mason. The March sisters have their flaws, but each also has what today would be called a strong sense of self and a refreshing lack of the anxieties that we now take to be a normal part of adolescence.

So does Polly Milton in Alcott's *An Old-Fashioned Girl* (1870), a book that foreshadows the situation girls would face at the end of the twentieth century. Polly's independence and high standards show up even more clearly than those of the March girls, because Alcott sketches her against the backdrop of a superficial society. Visiting her friend Fanny Shaw in the city, fourteen-year-old Polly finds herself in the middle of a wealthy but discontented family, with a weak, selfish mother and a father who is "so busy getting rich that he had not found time to teach his children to love him." Polly confides to her diary, "I used to envy Fanny, but I don't now, for her father and mother don't take care of her as mine do of me."

Above: Pierre-Auguste Renoir's Child Reading *(1890). Opposite:* Girl Reading *(1875).*

Fanny and her schoolmates consider themselves adults already, and Fanny tells Polly she dresses "like a little girl." But Polly finds little to admire in the other girls' obsession with clothes, college boys, and gossip, or their disrespect for their elders. Raised by loving parents who have encouraged her studies, her musical talent, and her physical activities, Polly feels no interest in the "maneuvers, heart burnings, displays of vanity, affectation, and nonsense" rampant among these girls.

Predictably, by the time Fanny reaches her early twenties, she is "dead sick of parties and flirtations . . . and going the same round year after year, like a squirrel in a cage," but she is so used to these things that she doesn't know how to look for anything better. It falls to cheerful, sensible Polly, now supporting herself by giving music lessons, to help Fanny find something worthwhile to do with her life.

Alcott's books show why she and other girls' writers of her day were entirely at home with strong female characters. The heroines they created could be independent without losing or disguising their femininity—Anne Shirley glories in pretty dresses, even as she fights tooth and nail to earn the highest grades in her class—because their culture prized, and was designed to instill, both femininity and character. The social system that formed and sustained these heroines invariably included religious faith, a solid family structure, and a clear code of ethics. Thus, Sara Crewe has the memory of her father's love and the "moral imagination" to survive poverty and injustice. Jo March has her wise parents' help in learning to channel her high spirits and bearing the death of her favorite sister.

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In portraying young women shaped by moral influences, these books were following a pattern set by earlier literary classics—classics that themselves have always attracted young readers. One such is Charlotte Brontë's *Jane Eyre* (1847), about a young woman who is fortified for the trials life brings her by the inspiring example of a devout childhood friend.

Jane, the creation of a woman who remembered what it was like to be a helpless little girl in a brutal world, is indignant at the cruel treatment meted out by her aunt and teachers. But her boarding school friend Helen teaches ten-year-old Jane about forgiveness and self-control. Much of Jane's fierce strength as an adult is traced directly to Helen's influence. When she thinks she will be forced to leave Mr. Rochester, the wealthy employer whom she loves, Jane confronts him with an argument based on her deep religious convictions:

> Do you think, because I am poor, obscure, plain, and little, I am soulless and heartless? . . . I am not talking to you now through the medium of custom, conventionalities, nor even of mortal flesh;—it is my spirit that addresses your spirit; just as if both had passed through the grave, and we stood at God's feet, equal,—as we are!

Jane's self-respect depends not on gratifying her desires, but on something greater. "The more solitary, the more friendless, the more unsustained I am, the more I will respect myself," the adult Jane vows when facing the greatest temptation of her life. "I will keep the law given by God; sanctioned by man."

But of all the exemplars of the feminine ethos before modern feminism, perhaps the finest is Elizabeth Bennet, heroine of Jane Austen's *Pride and Prejudice* (1813). Like Anne Shirley, the witty Elizabeth is still so popular that the 1996 television version was among the highest-rated miniseries and remains a top-selling video.

Elizabeth is amused by an overheard insult from a handsome and wealthy stranger—a remark that would wilt Bridget Jones, flighty British heroine of the 1996 transatlantic bestseller who is supposed to be her modern-day counterpart. And unlike her closest friend, Elizabeth refuses (twice) to marry merely for security. Yet the climax of the book comes only when she is forced to recognize her own fallibility. Realizing that she has misjudged and hurt the seemingly arrogant Darcy, while allowing herself to be deceived by the handsome but corrupt Wickham, Elizabeth exclaims, "How despicably have I acted! . . . I, who have prided myself on my discernment! . . . Till this moment I never knew myself."

For classic literary heroines and for the girls nurtured on their stories, the great goal was to "know themselves" honestly and thus to grow into mature women. Today, teenage girls (and, for that matter, boys) are taught that nearly anything they want to do is right and will "empower" them. They inhabit a world that pressures them to look and act like twentysomethings while teaching them nothing about the responsibilities of adulthood. But without adults helping them gain a "moral understanding of our nature [and] our responsibilities," as psychiatrist Robert Coles puts it, how can they gain true maturity?

Deborah O'Keefe notwithstanding, young women should be encouraged to do what many of them already are doing: read the classic girls' stories and great novels. Their parents and teachers and all the other adults in their lives, meanwhile, should wake up to the vital importance of reinforcing the lessons in femininity and character that these old books are now almost alone in teaching. ♦

Questioning America

Alan Wolfe's sociological survey finds less—and more—than its author suspects. **BY PETER BERKOWITZ**

Alan Wolfe, a distinguished sociologist and public intellectual, has been asking ordinary Americans about virtue. For his recent book *Moral Freedom: The Search for Virtue in a World of Choice*, Wolfe and his research team interviewed individuals in communities around the country and from all walks of life: from the cultural center of American homosexuality in San Francisco to the wealthy Silicon Valley town of Atherton; from Lackland Air Force Base and the surrounding Mexican-American neighborhoods in San Antonio to the University of North Carolina, Greensboro, and its first-generation college students; from Oakwood, a prosperous suburb of Dayton, to Tipton, a small town in Iowa; from Blue Hills, a black neighborhood in Hartford, to Fall River, a struggling factory town in Massachusetts with a growing immigrant population.

Moral Freedom
The Search for Virtue in a World of Choice
by Alan Wolfe
W.W. Norton, 224 pp., $24.95

There is a venerable tradition for Wolfe's attempt to understand virtue by attending to what ordinary people say about it. Plato and Aristotle both thought that what people say and think about the moral life provides an indispensable first word on virtue. By contrast, in our own day, professors of moral philosophy and political theory tend—despite their devotion to democracy—to lack the interest of ancient authors in what ordinary citizens say about virtue, preferring

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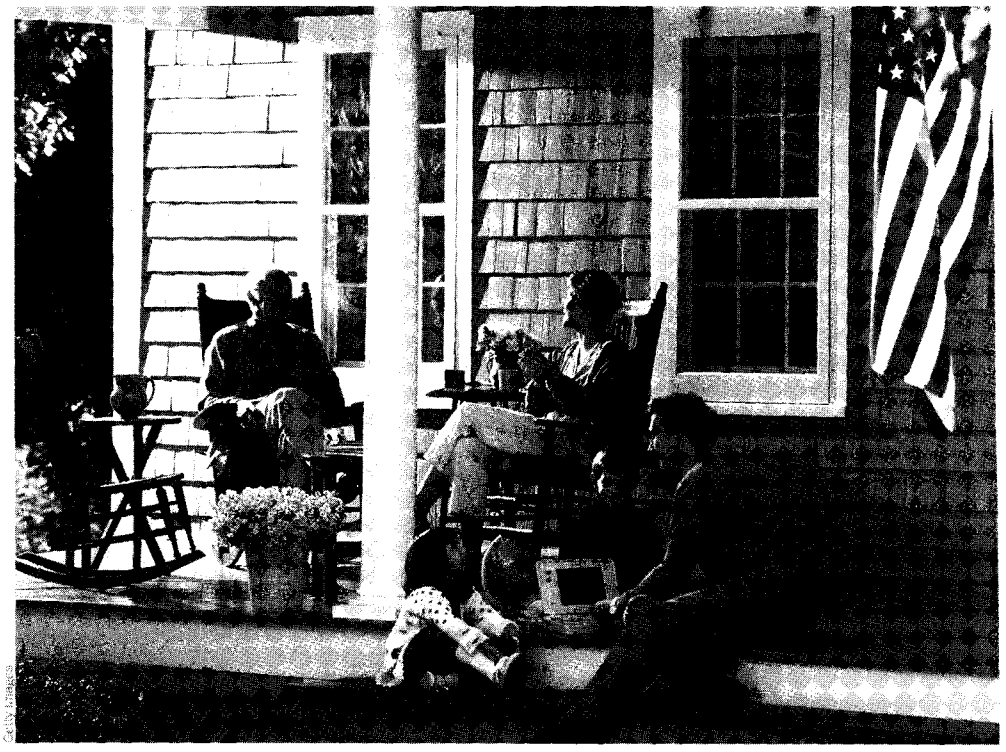
instead to focus on the laws and public policies the people would support if they derived their views from the abstract moral and political principles the professors have concluded are reasonable and fair.

Yet the pertinence of virtue, and people's opinions about it, is not open to serious doubt. At work and at play, in love and in war, during good times and bad, virtue makes the difference. Nor is it correct to suppose that individual rights, the rule of law, and impartial procedures for the administration of justice can dispense with virtue, for they depend on citizens' integrity and knowledge. The question is thus not whether virtue *can* be a part of our lives in a secular, liberal, democratic state, but what virtues such a state *must* rely on, what ends these virtues serve—and which beliefs, practices, and institutions foster virtue, and which frustrate or weaken them.



In undertaking his interviews, Wolfe carries forward the work of his previous book, *One Nation After All*, by attempting to bring into still sharper focus ordinary Americans' defining ideas about morality. And like that previous book, *Moral Freedom* is more ambitious than may at first be apparent. For Wolfe is not content merely to describe sympathetically our principles and virtues. He also mounts a spirited defense of them, complete with frequent broadsides aimed at critics on the right and the left—especially the right.

Ordinary Americans' principles and virtues exhibit a flexibility and coherence suitable to our times, Wolfe contends, and are decidedly more attractive than the rigid and doctrinaire positions typically put forward in the people's name by political leaders and public intellectuals. Contrary to conservative critics (who, according to Wolfe, are ever ready to lament America's decline into permissiveness, narcissism, and social engineering), middle-class Americans recognize the centrality to their lives of a variety of virtues. And contrary to critics on the left (who, according to Wolfe, see America increasingly under the sway of Christian conservatives determined to impose through law their biblically based morals), ordinary Americans view choice as an essential ingredient of the moral life.

What underlies ordinary Americans' simultaneous embrace of virtue and choice, Wolfe maintains, "is a common American moral philosophy, and it is broad and inclusive enough to incorporate people whose views of the actual issues of the day are at loggerheads." Wolfe gives this common philosophy the name "moral freedom" and believes it arrived as a consequence of a revolutionary transformation in American beliefs and practices during the 1960s and 1970s. Moral freedom stands for the idea "that individuals should determine for themselves what it means to lead a good and virtuous life."

To be sure, questions about virtue and vice in the abstract, Wolfe discovered, tended to leave respondents tongue-tied and self-conscious. The more radical among them—particularly the gay men and lesbians he interviewed in San Francisco—reacted with suspicion and anger. Virtue and vice smacked too much of authority and judgment and hoary tradition. But when he asked by name about specific virtues—loyalty, self-restraint, honesty, and forgiveness—and the specific role that such qualities of mind and character play in people's lives, Wolfe found his respondents to be articulate, discerning, and even wise. What impressed Wolfe so favorably—even, he emphasizes, among the Christian conservatives he interviewed—was his respondents' wrestling with virtue, their acute sense that changing times and circumstances required changing virtues, and their belief that it was up to them rather than any authority to change their virtues accordingly.

Loyalty, for example, Wolfe found, was valued by his respondents because they value other human beings. But recognizing that contemporary America exploits blind loyalty, Wolfe's respondents decide for themselves to whom they should show loyalty and how far their loyalty should reach. Workers believe that they must not be overly loyal to their companies, because corporations hire and fire solely with regard to the bottom line. Men and women still support the idea of marital loyalty, but in a qualified fashion and with greater attention to self-

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interest, for they take into account the heightened vulnerability of marriage today to divorce.

Wolfe admires how Americans adjust loyalty to meet the realities of social life, though he fails to see a connection between the causes that require us to scale back on loyalty's claims and the authority we enjoy to do so. If there is a culprit, Wolfe suspects it is economic relations: We adopt a more self-interested attitude toward marriage as a consequence of the cold lesson internalized in the workplace. But it is just as consistent with his interviews and more consistent with his overarching thesis that the individualism fostered by the spirit of moral freedom is what encourages spouses to understand their goods separately and permits employers to disregard the long term well-being of their employers to pursue their own short-term profits.

Wolfe finds his respondents tailoring their virtues to fit the opportunities and dangers presented by moral freedom. Americans, by and large, recognize the role that self-restraint plays in obtaining the various good things life has to offer, including the opportunity for occasional self-indulgence, which they happily seize. They believe that honesty, like loyalty, expresses respect for other human beings, and they believe that honesty, like all virtues, is not an absolute but conditional, that it must not be exercised rigidly but must be shaped to the times and made consistent with self-interest. And they honor forgiveness, whose Christian roots Wolfe perceives, through which they respect the humanity of wrongdoers. But they also are inclined to understand forgiveness as a servant of self-interest: By forgiving, one heals one's own wounds; by not forgetting what or whom one has forgiven, one avoids letting the wrongdoer off the hook too easily or letting go of one's own wounds too quickly.

In general, Americans tend to be nonjudgmental, a stance, Wolfe contends, that often enough flows not from apathy or the absence of moral principle but from the egalitarian thrust of the principle of moral freedom: We should respect choices made by others just as we wish for others to respect our choices. And our understanding of the virtues is nourished by a basically optimistic assessment of human nature: We are born neither particularly good nor bad, and good character can be developed in almost all human beings.

Such measure and balance and overall moderation in morality, Wolfe argues, reflect the principle of moral freedom. Because the old verities and traditional authorities have faded, we must define and choose our virtues in a world in which we expect others to do just the same. And this is as it ought to be, Wolfe frequently implies, for the excellent reason that moral freedom corresponds to the true human condition and represents the best of all possible moralities.

It is not sufficient to discover the standards we hold. It is also necessary to investigate whether the standards we hold are true.

Sometimes, it is true, Wolfe sounds a cautionary note:

> moral freedom is as inevitable as it is impossible. Once people are free to choose their cars and their candidates, they will not for long be satisfied with letting others determine for them the best way to live. As correct as critics of America's moral condition are to insist on the need for shared understandings of the moral life, it is better, given moral freedom's inevitability, to think of it as a challenge to be met rather than as a condition to be cured.

So how then should we think about meeting the challenge posed by moral freedom? We could begin by taking issue with Wolfe's method, worrying, for example, that he tendentiously culls from his interviews just those individuals and statements that illustrate his preconceived notions about the virtues of moral freedom.

But it is hard to doubt that Wolfe has, in fact, identified a pervasive moral outlook. More troubling is his repeated lapse in logic. Wolfe begins with the convincing claim that moral freedom, like the traditional morality it supplants, has its virtues. But he repeatedly and casually conflates that claim with the questionable contention that moral freedom is the supreme morality—a contention he asserts more than argues and frequently bolsters with contrasts to caricatures of classical virtue. The immoderate critique of traditional morality, from which Wolfe gets much mileage in his brief on behalf of moral freedom, leads him to blur crucial features of moral freedom and the challenge it poses.

For starters, Wolfe tends to exaggerate the novelty of our current view of moral freedom. Didn't Hobbes teach that good and evil were merely apparent, that there was no greatest good or ultimate perfection, and that the virtues should be understood as qualities that conduce to a peaceful and prosperous life? Didn't the Declaration of Independence declare life, liberty, and the pursuit of happiness—which meant the liberty to pursue happiness as individuals deemed appropriate within limits set by law—among our inalienable rights? Didn't Mill envisage a form of political society in which each individual was sovereign, a political society that would be hospitable to, indeed depended for its vitality on, many and varied experiments in living?

Attributing to the classical view of morality a crude absolutism and cartoonish inflexibility—forgetting that just as an ethics of freedom can have virtues, so an ethics of virtue can have freedoms—Wolfe repeatedly insists that the practice of viewing virtue as relative to particular situations and requiring for its exercise independent thought and practical judgment is distinctive to the virtues that individuals

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develop in the era of moral freedom. But in fact Aristotle taught that courage, self-restraint, generosity, friendship, and the other moral virtues were always relative to the individual and the situation: They consisted in doing the right thing in the right way at the right time. And St. Augustine, who famously relates in his *Confessions* that "I have become unto myself an enigma," demonstrated that doubting, questioning, and seeking are central to the religious spirit. And as Wolfe certainly recognizes, the nonjudgmentalism that he associates with the spirit of moral freedom readily deteriorates into easygoing conformism.

Similarly, Wolfe is wrong to contend that the era of moral freedom reflects the absence of a "preexisting moral consensus," with the result that we have no honest choice but to choose our moralities. What distinguishes our situation is not the absence of principle but the *pervasiveness* of a specific principle: The lowliest thinks of himself as free, and the highest and mightiest affirm the claims of equality. Indeed, we do not choose moral freedom's root premise, the natural freedom and equality of all. It is rather our first principle and self-evident truth, which partly justifies the latitude we claim for ourselves in making choices about right and wrong, but also partly constrains our choices by compelling us to respect the like freedom of others.

In part because he fails to give the proper weight to the preexisting moral consensus that underlies moral freedom, Wolfe understates the vulnerabilities of virtue in the era of moral freedom. While he notes that our expansive freedom can be unnerving and "is bound to have consequences we will regret," he does so mainly to reaffirm the moral and intellectual superiority of those of us alive today—the greater courage and understanding and justice we display in living with contradictions and without the apocryphal absolutes and false certainties that gave comfort to previous generations. Yet it is an open question whether the propensity to view virtue as a kind of self-interested calculation is consistent with maintaining the qualities of mind and character necessary for calculating justly and wisely. As we become more deeply imbued with the idea of moral freedom, don't we grow restless and impatient and indignant at the constraining belief in others' equal claims to freedom? And won't we eventually, perhaps sooner rather than later, declare our freedom from that last fundamental moral constraint as well?

To understand more fully the challenges presented by the idea of moral freedom, one must investigate the passions inflamed by freedom as well as those it lulls to sleep. And one must ask whether the old verities and authorities have faded because they ran out of life or because we have grown shortsighted and forgetful and lost the ability to recognize their enduring force.

The very idea of moral freedom, however, seems to shut off these avenues of inquiry, or at least encourages us, for fear of diminishing our choices and weakening our resolve to choose, not to take them too seriously. In this way, by restricting the regions where the mind may rightly roam and by limiting the longings the heart may legitimately nourish, by giving rise to a new species of false comforts, the idea of moral freedom poses a genuine threat to our dignity as well as to our freedom.

In his introduction, Wolfe declares that he works "on the assumption that human beings aspire to the good even if they cannot escape the bad. That is why it is important to discover not only how they act, but also the standards they hold." True to his aim, Wolfe provides an illuminating portrait of our opinions about our virtues. But since by his own account human beings wish not merely to *seem* but to *be* good, it is not sufficient in searching for virtue to discover how we act and the standards we hold. It is also necessary to investigate whether the standards we hold are fitting and true. ♦

The Love of Power

Benjamin Barber's intellectual affair with Bill Clinton. BY ADAM WOLFSON

As much as liberals were mystified by conservative hostility toward Bill Clinton, so conservatives were baffled by liberal love for Clinton. How did this good old boy from Arkansas manage to inspire the affection of the Left from Harvard to Hollywood?

The Truth of Power
Intellectual Affairs in the Clinton White House
by Benjamin R. Barber
W.W. Norton, 256 pp., $24.95

One answer is to be found in *The Truth of Power*, Benjamin R. Barber's account of his "memorable affair" with the president. A distinguished professor of political science at Rutgers University, Barber has written many well-received scholarly books. A modern day disciple of Rousseau, he advocates participatory democracy, and in his widely noticed book *Jihad vs. McWorld* (which, not coincidentally, was praised by President Clinton on national television in 1995), he attacked global capitalism. Now in *The Truth of Power*, Barber sets out to investigate the relation between truth and power, the struggle between the New Democrats and the party's old wing, and finally, the enigmatic personality of our forty-second president.

But the book is less a serious treatment of these large and important issues than a gossipy and rather smug

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account of Barber's time in the White House as a court intellectual. The book centers around several presidential bull sessions attended by Barber and a Who's Who of America's intellectual Left, including Stephen Carter, Robert Putnam, Michael Sandel, Cass Sunstein, Michael Walzer, and Richard Rorty. Unhappily, we have (at least for now) only Barber's record of the symposia—a record that transcribes some of the conversations and arguments but only comes alive in its chatty vignettes of the participants and how they fared.

Barber is not kind to his fellow thinkers. "Sound byte ideology," he writes of Al From's contribution. "Everyone seemed to like" Henry Cisneros, "but nobody quite got what he was saying." Alan Wolfe is a "churlish critic" and Michael Lind a "prudent opportunist." Amitai Etzioni, we learn, regaled the party with the triumphs of the communitarian movement, "which were not altogether distinguishable from the triumphs of Amitai Etzioni."

Meanwhile, Alan Ehrenhalt is compared to Dr. Laura for his "neo-conservative rant about authority and its loss," and Barber exults that Ehrenhalt "blew his chance" to influence the president. William Galston also commits the sin of neoconservatism and has to be reminded by Barber at one of the sessions that "nostalgia for this world that never was was a neo-con excuse for refusing to confront the reality of social, religious, and political change." Barber always shines at these seminars, of course.

Some of Barber's gossip is more revealing of liberal prejudices—at least if we take Barber as representative of the breed. What, for example, does the intellectual in good standing think of his black colleagues? Are they entitled to speak as individuals? Or must they conform to his expectations? One of the participants, Eddie Williams—whom Barber describes as "a modest and soft spoken African-American"—is criticized for rambling "amiably through what should have been a fiery call to justice." Thereafter he fell silent, becoming "our seminar's 'invisible man.'" Of the contributions of Skip Gates and Randall Kennedy to a subsequent seminar, Barber opines, "I wish they had given themselves over more to rage." Apparently, only angry blacks need apply.

The female participants in the seminars hardly come off better, described by Barber as though they were characters in a Harlequin romance novel. Poor Jane Mansbridge began her remarks "in a critical vein, but quickly melted," allowing herself to be seduced by "the president's laser eyes," while "her convictions withered in the hot sun of his presence." But it is Amy Gutmann who enthralls the president: "Sitting right next to him, a seismograph to his every small move," Barber writes, "I sensed the president was taking a kind of small shivering pleasure in her heartfelt comments."

In his scholarly writing, Barber has defended what he calls "strong democracy," and in *The Truth of Power*, he refers to himself as a "populist." But his life, as described in this memoir, is hardly typical of the life most Americans lead. He casually lets us know of his sailboat, four-wheeler, and summer cottage in the Berkshires, of his taste for weekly gin and bitter lemons, and the plays he has written for off-Broadway. And he anticipates congratulations on being married to a woman with a "dancer's body" and "easy sexiness." As he would later say of the president's "post-nouvelle" kitchen, one might say of Barber's life—that it is post-populist.

Indeed, his participation in the presidential seminars is not easily reconciled with his populist ideology. Few Americans can exclaim, as Barber does, that having caught the ear of the president, they might "change the world." The question troubles Barber, who avers at one point that it is the job of intellectuals "to persuade the people at large," not simply whisper advice to their leaders. So what is the basis for the intellectual's influence in a democracy? He is not elected by the people, and he lives a lifestyle that is not that of most Americans. Still, he desires to rule, to have America more closely reflect his own enlightened opinions. In the end, the secular intellectual of today can make sense of his disproportionate influence and justify it to his fellow citizens only by invoking religious metaphors. "We [White House intellectuals] were modern prophets," Barber declares. "I know that sounds, if not actually pretentious, a little portentous," he volunteers, "but that's how it was."

And so as these "modern prophets" supped with the president on a "Lobster and Jicama Salad in Rice Paper, Chicken with pumpkin gnocchi and spiced huckleberry sauce, and Caramel and Roasted Dried Pears Mousse Cake with Kumquat sauce," they debated the meaning of liberalism and the Third Way, argued over various ways of reviving civil society and citizenship, and pondered how to reignite or remain true to the "progressive" agenda in a post-New Deal, postmodern era. They thought hard.

Perhaps I'm one of those cynical Americans who, Barber believes, "might even have found their cynicism mildly challenged had they witnessed the public-spirited and earnest, even patriotic, tenor of our conversations." But cynicism is not entirely unwarranted. Consider Barber's description of the president's gaze as "a brilliant and warming floodlight," a "glowing orb," a "pool of luminosity"—while Barber worries about becoming just one more of his "jilted lovers, stewing in the poison of their indignant jealousies and simmering resentments." Descriptions generally reserved for a love affair spill from Benjamin's pen. "The second time is never the same as the first," he laments of his second session with the president. When Barber is passed up for the chairmanship of the National Endowment for the Humanities, he almost cuts things off with the president: "I turned to my wife, my sweetheart, to tell her that finally, yes I could say it, it was over. Except I couldn't say it." After all, "I *was* his soul mate," he mused on another occasion.

The president haunts his dreams: "When I finally sank into what I thought would be a deep sleep, I was

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AP/White House Photos

troubled by presidential dreams in which—this was a dream I had over and over again during these years and still have today—I was courting his attention, sometimes getting it and feeling elated, sometimes being ignored, and feeling mortified." Barber genuinely seems to think that he had an affair with the president, "of a rather different nature" than Lewinsky's affair, he writes, "though perhaps not as different as I'd like to think."

It's worth considering for a moment Barber's comparison of himself to Lewinsky. Both were seduced by the president, that's clear. Barber is every bit as much in the president's thrall as Lewinsky ever was, and both were apparently attracted to him for the same reason: his power. So, too, while Clinton meant everything to them, both Lewinsky and the intellectual mattered little to the president. Barber painfully relates that all those intellectual jam sessions with Clinton contributed almost nothing to presidential policymaking or speechwriting. Nonetheless, both Barber and Lewinsky remained loyal to the president to the bitter end.

About Monica Lewinsky's heart I can venture nothing, but of the swooning loyalty of the liberal professoriate more can be said. The strangest part of their affair with Clinton is that they loved him not in spite of his sexual escapades but because of them. Or perhaps it's not so strange. For at long last, after six years of a poll-driven, five-and-dime presidency, after one compromise after another on such key progressive issues as civil rights, health care, welfare reform, and gays in the military, here finally was a towering principle the liberal intellectual could fight for: Stop "sexual McCarthyism!" as Alan Dershowitz put it. Expose those hypocritical Republicans, Larry Flynt rallied. "Don't let those f—kers bring you down!" Barber muttered to the president in the midst of the Lewinsky crisis, "anxious to signal a sense of intimate solidarity."

Intimate solidarity? Barber occasionally dresses up the point in finer drapery: "The whole American experiment in republican governance and the separation of church and state was organized around the conviction that moralistic crusading across the boundaries separating private from public was the very thing that had nearly destroyed Europe in its era of religious wars and from which many of the founders of the United States and those who followed them across the seas in subsequent centuries had fled."

Yet the principal thesis of Barber's book is that Clinton stood not for something old but something entirely new. He was, Barber says, this "nation's first antiwar president, its first openly reefer president . . . in the remarkable words of Toni Morrison, its 'first black President.'" Clinton embodied "the new open America of a hundred cultures," "a multicultural, multi-gendered, multi-sexual, multi-colored nation." Paying the highest compliment Barber knows to the president, he exclaims that Clinton was "like Elvis and Madonna, not merely exhibiting but flaunting their sensuality." One gets the impression that were it not for his affair with Monica Lewinsky, Clinton would never have assumed such iconic status with the Left.

In the book's opening chapter, before his first presidential symposium has taken place, Barber is unstinting in his praise of philosophers like himself, who hail "from the land of truth," and who attempt to "speak truth to power." We "moralists and philosophers," he grandly pronounces, "are the conscience of a democracy . . . [and our] task is to act as irritants from the outside, bearing witness to truths that oppose complacency." But by the end of his memoir, he has worked an amazing transformation. Now a grizzled veteran of several presidential seminars and an intimate of the president's woes, he sees things quite differently, having come to believe that morality and truth are not always worth fighting for, that in fact, "moral judgment invokes pious complacency and makes war on diversity."

This was the strange magic of Bill Clinton, his ability to transmute everything he touched. Benjamin Barber may have come to Washington to speak what he believed was truth to power. But power whispered a few sweet nothings in his ear, and truth melted away. ♦

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***San Francisco Chronicle* executive editor Phil Bronstein was attacked by a Komodo dragon after he entered the giant lizard's cage during a private tour of the Los Angeles Zoo arranged by his wife, actress Sharon Stone.** —*News item*

Giant Lizard Recovering from Celebrity Run-in

LOS ANGELES—A Komodo dragon was listed in stable condition following a "harrowing" encounter with celebrity newspaper editor Philip Bronstein, a hospital spokesman said last night.

"He's lucky to be alive," a Cedars-Sinai Hospital spokesman told a packed press briefing. "And he's clearly grossed out. But he is one tough lizard."

The incident between the lizard and celebrity editor Bronstein, more widely known as "Mr. Sharon Stone" since his marriage to the movie sex queen, occurred early yesterday morning at the Los Angeles zoo.

According to eyewitnesses, the ten-foot-long Indonesian lizard was dozing in his cage, "minding his own business," when the celebrity editor entered the cage with Stone and a zoo curator. The two celebrities were on a special VIP tour of zoo facilities early Saturday morning.

"The poor thing took one look at Stone and just freaked," one source said. "Have you ever seen Sharon Stone at seven o'clock in the morning? You'd freak, too."

What happened next is unclear, according to knowledgeable sources, but somehow the lizard's mouth suddenly became filled with Bronstein's foot. The lizard responded by thrashing its body back and forth in an apparent attempt to free himself from the celebrity editor.

"It was disgusting," said the source. "I just thought, 'Oh my god.' A guy like Bronstein—you don't know where he's been, what he's stepped in." Zoo officials were able to distract Bronstein long enough for the lizard to get away. "If that thing had stayed in his mouth ten seconds longer, this zoo would be minus one Komodo dragon," said a zoo official.

Emergency medical technicians arrived immediately, sources said, and had to step over Bronstein to administer assistance to the lizard, who was transported to Cedars-Sinai Hospital by medi-vac helicopter.

The hospital has been deluged with telephone calls and e-mails expressing sympathy for the five-year-old lizard, who was resting comfortably last night, according to a Cedars-Sinai spokesman. "What he's been through, no humane person could wish that on anybody," said the spokesman. "Now he just needs a little time and space for healing."

Bronstein could not be reached for comment.

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How Bad Is the Education Bill?

Chester E. Finn Jr. is a distinguished visiting fellow, Hoover Institution; member, Hoover's Koret Task Force on K–12 Education; and president, Thomas B. Fordham Foundation.

As the Senate completes its blunting of President Bush's once-bold plan to overhaul the federal role in elementary-secondary education, most of the final decisions await a House-Senate conference committee.

But the measure's outlines are clear and, for the most part, dismaying. There will be no real school choice or empowering of parents. There will be no true flexibility for change-minded states to channel their federal education dollars into reforms of their own devising. Few of today's hundreds of narrow "categorical" programs will be merged. **There will, in fact, be no fundamental overhaul of this LBJ-era legislation, despite decades of evidence of its failure. But there will definitely be a whopping price tag,** as billions of additional dollars are attached to these meager reforms.

What happened? In hindsight, it's clear that the White House began with the plan it should have ended with, always a dubious strategy. When it came to tax cutting, the administration welcomed proposals that went farther than it really wanted, thus positioning itself in the middle. In education, however, the White House discouraged conservatives from offering their own bill, which meant the president's plan was the most "extreme" version out there. On a high-visibility issue in a closely balanced Congress, that meant dilution was inevitable.

The administration also insisted on a "bipartisan" measure, which meant compromising with veteran Democratic education craftsmen Edward Kennedy in the Senate and George Miller in the House. Masters of their art, they ended up with nearly everything they wanted. That meant lots more money—and the elimination of every "conservative" feature of the Bush plan.

But congressional Republicans didn't help much, either. Obliged to support their president, which meant tolerating all those leftward compromises, they trotted out their "choice" and "flexibility" amendments knowing that these were doomed. The one place House conservatives actually made things worse was testing. They could not abide the Bush proposal for all states to have their achievement gains audited by the federally funded National Assessment of Educational Progress. So they voted to let states pick their own audit instruments. If this provision survives conference, we can expect a lot of false "good news" and a worrisome weakening of the country's most important test.

But that's not all the conferees must contend with. **Their biggest challenge in this thousand-page measure is an obscure provision called "adequate yearly progress" (AYP),** which tells states and schools how much achievement-boosting they must deliver each year en route to leaving no child behind. This formula is intricate beyond anyone's capacity to explain to parents and teachers. It's susceptible to concealing failure by poor and minority kids. It's none too demanding regarding the rate at which these gaps must be closed (10–12 years). Yet conferees are being urged to soften it further.

How AYP got weakened and complexified is a sorry backroom tale. Suffice to say that, however Congress finally phrases it, successful implementation may never occur. And that, alas, is the bottom line for the whole bill: after all this fuss, it's quite likely not to lead to any discernible change in America's schools.

— Chester E. Finn Jr.

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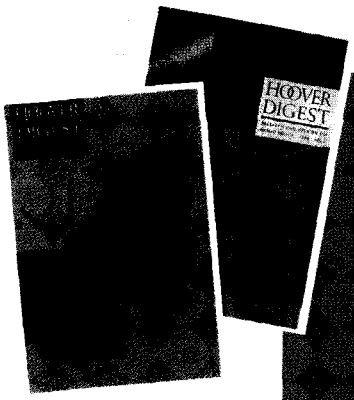

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